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# Standing Committee on Official Languages

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Chair: Mr. René Arseneault





## Standing Committee on Official Languages

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• (0850)

[*Translation*]

**The Chair (Mr. René Arseneault (Madawaska—Restigouche, Lib.)):** I call this meeting to order, so I ask for some calmness and discipline.

Welcome to meeting number 55 of the House of Commons Standing Committee on Official Languages.

I would like to inform the committee that, before the meeting, all the members completed the required connection and sound tests.

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.

Our committee will hold two meetings today: one this morning, from 8:45 to 10:45 a.m., and another one this afternoon, from 12:30 p.m. to 3 p.m. Both meetings will fulfill the terms of the motion passed on March 10 to add a total of six and a half hours of floor time to debate clauses of Bill C-13 and proposed amendments.

At the next meeting, to be held on Tuesday, April 18, pursuant to the motion adopted on December 1, all remaining amendments shall be deemed to be proposed, and I shall put forthwith and successively, without further debate, all remaining amendments before the committee, all remaining clauses of the bill, and each question necessary to dispose of the clause-by-clause consideration of the bill and report the bill to the House.

I now welcome the officials who are here to support our committee and answer technical questions. Some of them have been supporting us in our work for quite some time now. We have with us once again Ms. Boyer, Mr. Fallu and Ms. Terrien from the Department of Canadian Heritage, as well as Mr. Newman from the Department of Justice. We also welcome Karim Adam and Daniel Cadieux from the Treasury Board Secretariat.

Did I forget to mention anyone? I don't think so. I felt like someone was missing, as we were used to seeing Mr. Quell at the table, but he is not here today. He's allowed to take a vacation.

I would ask for the attention of the committee members before we get to the heart of the matter.

At my request, the clerk has sent to you a message from Statistics Canada. You will recall that, as a result of an amendment pro-

posed by Ms. Kayabaga, there was an error in the percentage of immigration. It said 6.6% instead of 6.1%. You received the same letter I did. I will explain what is going on with that.

Statistics Canada contacted the committee regarding Ms. Ashton's subamendment to amend LIB-8, which was subsequently adopted, on February 7. The amended version of the amendment that currently appears in the report is:

That Bill C-13, in Clause 6, be amended by adding after line 8 on page 5 the following:

*“restoration means, in respect of the demographic weight of French linguistic minority communities, the return of the demographic weight of all those communities whose first official language spoken is French to its level at the time of the census of population of Canada taken by Statistics Canada in 1971, namely, 6.6% of the population outside Quebec. (r tablissement)”*

Statistics Canada has contacted us with the following clarification:

[*Translation*] According to the 1971 census, the demographic weight of the population with French as their first official language spoken was 6.1%, not 6.6%. This proportion of 6.1% is obtained after distribution of multiple languages, and thus includes two components: 1) the population with only French as their first official language spoken and 2) half of the population with both French and English as their first official language spoken.

As a result, the amended amendment we passed on February 7 should read 6.1%, instead of 6.6%.

A request for verification was made to ensure that we had the correct numbers.

I seek the committee's unanimous consent to make the change suggested by Statistics Canada. Therefore, the number that would appear in LIB-8 as amended by Ms. Ashton's subamendment would be 6.1%.

Mr. Godin, do you have a question?

**Mr. Jo l Godin (Portneuf—Jacques-Cartier, CPC):** Mr. Chair, I just wanted to make sure that this was the intent behind the amendment. We're not experts here, so we did make the request to get the right number. I think what is being proposed is wise. We're fine with it on this side.

**The Chair:** That's great.

By the way, I want to let the technicians know that I am not seeing on the screen the faces of our friends who are participating in the meeting virtually. Before I ask for unanimous consent, I want to see the faces.

Okay, now that that is settled, is there unanimous consent?

**Some hon. members:** Agreed.

**The Chair:** Before we get into the debate, there is one last thing I want to bring to your attention.

At our last meeting, I told you that I was going to explore options for meeting dates to expedite the process, including during the parliamentary break. Our clerk, Ms. Legault, has done the work and has been able to secure some meeting dates. I asked that we hold block meetings. In other words, instead of holding meetings twice a week, we would hold back-to-back meetings on the same day. This is on the condition that the committee members are available, of course. So it would be April 5, which is next Wednesday, from 10 a.m. to noon and from 1 p.m. to 3 p.m. We would sit for one day during that week. Then we would have the following Thursday, April 13, from 10 a.m. to noon and from 1 p.m. to 3 p.m.

I would like us to take a few minutes to talk about this.

If we could keep to this schedule, we could complete the study of Bill C-13 before our clerk gives birth to her child. We asked that the study be completed before that because our goal is to keep her with us until the end.

So I'm opening the floor up for debate or questions. I, for one, am really willing to make that sacrifice. If things go well today, we may even finish the whole thing in one of these blocks.

Mr. Généreux, the floor is yours.

**Mr. Bernard Généreux (Montmagny—L'Islet—Kamouraska—Rivière-du-Loup, CPC):** Mr. Chair, I applaud your efforts to get the committee through this quickly. For me, however, the weeks I spend in my riding are not vacation weeks. My schedule is literally packed from beginning to end. For example, in the second week, I have two passport help sessions for citizens. I would have to change my entire schedule and that would require a lot of organization. For me, it's impossible. I'm not acting in bad faith by any means, but it's impossible for me unless I get a replacement.

• (0855)

**The Chair:** We are all in a similar situation when we go back to our constituency.

**Mr. Bernard Généreux:** There are not many weeks from January to June when we can go back to our constituency. Right now we'll have two in a row, and then we'll have another one in May. I, for one, will—

**The Chair:** I understand what you are saying. We are all in the same situation.

What I'm asking you to do, between now and the end of the day, is think about the possibility of getting a replacement for one of the two meetings. If we did a four-hour block in one day, even if it meant getting a replacement, it would still be very effective, we would do extraordinary work, and we could move the bill forward considerably. In any case, let's keep that in mind. We can take five minutes at the end of the day to talk about it.

If there are no further comments on this, we will begin our meeting.

(Clause 24)

**The Chair:** So we are continuing our consideration of clause 24 of Bill C-13.

The committee had reached amendment BQ-49, which is on page 133 of our amendment package.

Mr. Beaulieu, would you like to move this amendment?

**Mr. Mario Beaulieu (La Pointe-de-l'Île, BQ):** Yes.

Given that these expenditures are in areas of provincial and Quebec jurisdiction, I think that, at a minimum, this should respect the Charter of the French Language.

The current wording proposed in the bill is as follows:

(2) For greater certainty, the implementation of this Part shall be carried out while respecting the jurisdiction and powers of the provinces and territories.

We propose to add, at the end of the sentence, "including respecting the *Charter of the French language*".

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

As there are none, we will proceed to a vote.

(Amendment negated: nays 10; yeas 1)

**The Chair:** We are going back to amendment BQ-48.

For those of you who are following our proceedings, I would like to point out that we had to reverse the order of the amendments, owing to an issue with lines in the bill. We just dealt with amendment BQ-49 and now we are dealing with amendment BQ-48.

Mr. Beaulieu, the floor is yours.

**Mr. Mario Beaulieu:** Amendment BQ-48 was suggested to us by the Quebec government. I think it is very important. I think it's a bit of a shame that the Liberals systematically vote against respecting Quebec's jurisdiction and the Charter of the French Language.

As we know, positive measures help fund anglophone lobby groups to intervene in areas of provincial jurisdiction, and all departments are also required to push for services in English beyond what would be necessary based on the anglophone population. This contributes greatly to Quebec's anglicization.

We are asking that positive measures respect the mode of linguistic development in Quebec, which was chosen democratically by the Quebec people. It is said that Quebecers form a nation. Normally, we do not let our language, which defines us, be managed by another nation, especially since this goes against what was originally defined, in the Constitution, as Quebec's areas of jurisdiction.

The bill proposes to add the following subsection 45.1(2) to the act:

(2) For greater certainty, the implementation of this Part shall be carried out while respecting the jurisdiction and powers of the provinces and territories.

We propose adding the following subsection:

(3) The implementation of this Part within Quebec is conditional on the conclusion of a framework agreement between the Government of Canada and the Government of Quebec that guarantees, among other things, respect for the specificity of Quebec.

Since some people are allergic to the Charter of the French Language, we have chosen to speak here about Quebec's specificity. That is why we are putting forward this very important proposal. Some parties say that they respect Quebec's right to self-determination, so that should translate into concrete action.

• (0900)

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

Bill C-13 amends the Official Languages Act by, among other things, providing for the importance of collaboration with provincial and territorial governments.

The amendment provides for making the implementation of part VII of the act conditional on the conclusion of a framework agreement between the federal and Quebec governments, which is a new concept not provided for in the bill. That is not in the bill as passed by the House of Commons at second reading.

On page 770 of the third edition of *House of Commons Procedure and Practice*, it states:

An amendment to a bill that was referred to a committee *after* second reading is out of order if it is beyond the scope and principle of the bill.

Unfortunately, the chair is of the opinion that, for the reasons mentioned earlier, the amendment is beyond the scope of the bill. Therefore, I declare this amendment inadmissible.

**Mr. Mario Beaulieu:** Mr. Chair, I challenge your ruling.

I don't see how you can say that this is not provided for in the bill. This is right in line with several proposals that we have put forward and defended previously that were not inadmissible. I don't see why this amendment, all of a sudden, would be ruled inadmissible, as also happened at the last meeting.

I challenge your ruling.

**The Chair:** You are absolutely entitled to do so.

Mr. Godin, you have the floor.

**Mr. Joël Godin:** Mr. Chair, I have a point of order.

If you want to save time, why didn't you say that the amendment was inadmissible before Mr. Beaulieu made his entire presentation?

**The Chair:** First, the amendment must be proposed.

**Mr. Joël Godin:** Yes, but there is a difference between proposing an amendment and making a point. In order to save time, it would have been better if we had known this beforehand. He wasted his time and we wasted ours.

**The Chair:** I know that, but this is not about wasting time. I will explain how I see the situation.

It's because, often, we decide not to move the amendments.

**Mr. Joël Godin:** I understand.

**The Chair:** First, the amendment must be moved. Then its content must be discussed before the chair can determine whether or not the amendment is admissible.

**Mr. Joël Godin:** However, before you even heard his arguments, you already knew that the amendment was inadmissible. You should have said so before you let him present his arguments.

**The Chair:** In my opinion, it had to be discussed publicly first. I can't rule an amendment inadmissible without people knowing what it is. I don't know if you follow me. If I had done it up front, nobody would have known what the amendment was about or why the chair was opposing it.

**Mr. Joël Godin:** Between the presentation of the content and the presentation of the arguments, you could have intervened on this subject.

**The Chair:** That's how I operate.

**Mr. Joël Godin:** That's at your discretion, Mr. Chair. I just wanted to bring that to your attention.

Thank you.

**The Chair:** So I was saying, Mr. Beaulieu, that you are within your rights to challenge the chair's ruling.

This motion is not subject to debate, so we'll move on to a vote right away.

The question is whether the chair's ruling should be sustained.

(Ruling of the chair sustained; yeas 10; nays 1)

**The Chair:** That brings us to clause 24, which was not amended.

Is clause 24 agreed to?

**Mr. Mario Beaulieu:** I just want to say that I am opposed to this clause.

**The Chair:** Fine, that is noted.

(Clause 24 agreed to)

(Clause 25)

**The Chair:** That brings us to clause 25 and amendment CPC-41.

Mr. Godin, you have the floor.

**Mr. Joël Godin:** I do not have anything to say.

**The Chair:** Okay, thank you.

Before we proceed, I must tell you that if amendment CPC-41 is agreed to, amendments LIB-27, NDP-11, LIB-28, NDP-12, BQ-50 and LIB-30 cannot be proposed because of a line conflict.

Are there any questions about amendment CPC-41?

Seeing that there are none, we will proceed to a vote.

• (0905)

**Mr. Joël Godin:** Wait, Mr. Chair.

**The Chair:** I was following you. I already announced the vote, but I will put that on pause to give you a moment.

Is that okay, Mr. Godin?

**Mr. Joël Godin:** Yes.

**The Chair:** We can now vote since you indicated that you have no comments.

**Mr. Joël Godin:** No, I have a comment. Pardon me.

**The Chair:** Okay, go ahead.

**Mr. Joël Godin:** Mr. Chair, amendment CPC-41 is very important, in our view, because it strengthens Bill C-13. I would say that it reaffirms the effect of amendment CPC-7 regarding Treasury Board and the role of the central agency. If the committee wants to be consistent, I think all parties should agree to amendment CPC-41.

Shall I read it out, Mr. Chair?

**The Chair:** That's up to you.

**Mr. Joël Godin:** It's just that the amendment is long. I was hesitating since we do not have much time.

Allow me to summarize.

If we agree to this amendment, it would make Treasury Board entirely responsible for the application of the Official Languages Act and ensuring that measures are taken to achieve the act's objectives.

I think the committee must be consistent in its work and make sure amendment CPC-41 is agreed to. It is a major amendment, which once again confirms what all official-language minority community organizations have requested, namely, that there be just one boss.

At present, four or five people are responsible for the implementation of the act. So the responsibility is divided and it gets lost. There is the Minister of Official Languages, who is not even mentioned in the act. There is also the Minister of Canadian Heritage, the President of Treasury Board, the Minister of Justice and the Minister of Immigration, Refugees and Citizenship.

We want to centralize this responsibility. I think it makes a lot of sense to have just one boss. That does not mean that the others will not play a role, but that person would be the watchdog and would hold others to account for obtaining results.

That is why amendment CPC-41 expands this notion to all of Bill C-13. This notion appears at the beginning of the bill, but I think it must be strengthened. I expect my colleagues who supported amendment CPC-7 to follow suit and not weaken what was decided at the outset or obstruct the process intended to give Treasury Board tools. I think this is very important.

If I may, Mr. Chair, I have a question for Ms. Boyer.

Who will be responsible for the implementation of the proposed clause 44.1, which pertains to Citizenship and Immigration?

That is one example. I could have mentioned any other department.

**Ms. Julie Boyer (Assistant Deputy Minister, Official Languages, Heritage and Regions, Department of Canadian Heritage):** Thank you very much.

When the act makes a minister responsible for something, the minister mentioned is responsible. In this case, it would be the Minister of Immigration, Refugees and Citizenship.

**Mr. Joël Godin:** What happens if, for some reason, the minister does not comply with the act or does not achieve the objective

within the prescribed timeframe? Will the prime minister, Parliament or some other body require them to comply with the Official Languages Act?

**Ms. Julie Boyer:** I will let Mr. Newman take that question.

**Mr. Warren Newman (Senior General Counsel, Constitutional, Administrative and International Law Section, Public Law and Legislative Services Sector, Department of Justice):** We have to bear in mind that there are principles involved in the application of such a broad act, which applies to all parliamentary and government institutions.

Among those principles is the separation of powers. For instance, Treasury Board cannot be made responsible for ensuring the implementation of parts I and II of the Official Languages Act, which apply to Parliament and its houses, or of part III, which pertains to the administration of justice.

Among the other constitutional principles at play is the concept of responsible government. The minister is always accountable to Parliament and to MPs. Of course the act already includes monitoring mechanisms. With respect to policy, the act relies on the good faith of all ministers and all those responsible for its implementation.

I think these aspects also have to be considered.

● (0910)

**Mr. Joël Godin:** I understand what you are saying, Mr. Newman. Yet if we are here today considering a bill to modernize the Official Languages Act, it is precisely because we relied on the principle of good governance in the past. I am not accusing anyone, but the facts are clear: we are witnessing the continuing decline of French.

In the past, a number of departments did not do their job and no one was able to hold them to account or require them to achieve results. That is why we want to a single body that can require every department and every federal institution to uphold the Official Languages Act. From my understanding, there are three possibilities: Privy Council, Finance or Treasury Board. Those are the only three bodies that can require results from all departments and stand watch to ensure they do their job.

I understand the principle you mentioned, but it doesn't work. That is why we are here today. It is not what you are saying that doesn't work; rather, history has shown us that it hasn't worked.

It is because it hasn't worked in the past that we want to give the act more teeth, as the Minister of Official Languages said.

Let me ask you, Mr. Newman, what tool can require ministers and the prime minister to achieve results?

**Mr. Warren Newman:** Ms. Boyer or other colleagues at the table might have something to add, but I would like to clarify something.

You said that we are amending the old Official Languages Act, from 1988. We have to remember that one of the main objectives of that act was to stipulate the roles of the bodies responsible for its implementation, including Treasury Board and Canadian Heritage.

That said, at a practical level, the Council of Ministers is also accountable. Each minister is a member of cabinet. If there are problems or if questions are raised in the House, for instance, that will all be discussed in cabinet. Not everything has to be spelled out in an act since our parliamentary system is based on responsible government.

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

Perhaps other witnesses would like to add something, but Mr. Serré also wanted to say something.

Go ahead, Mr. Serré.

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

I would like to thank my colleague for proposing this amendment.

Mr. Newman tried to outline the separation of powers. As to defining roles, other amendments that will be considered later on, including amendments LIB-27, LIB-28 and LIB-30, seek to clarify roles. That is precisely what Mr. Godin was talking about.

Ms. Boyer, can you explain what the impact would be if amendment CPC-41 were adopted? Mr. Newman noted a few points. The Official Languages Act and the role of Treasury Board are involved, but the Commissioner of Official Languages, Parliament and the courts are also at issue. I think this is really important. We all have the same objective.

Ms. Boyer, in view of the machinery of government, can you explain these elements in terms of the role that Treasury Board can or cannot play?

• (0915)

**Ms. Julie Boyer:** Thank you very much for the question.

Under amendment CPC-41, Treasury Board would be responsible for “federal programs for the implementation of this Act”, that is, the Official Languages Act, “including the government-wide strategy on official languages”. I would like to point out that, earlier in this study, the Standing Committee on Official Languages approved a provision of the bill that gives this role to the Department of Canadian Heritage. Adopting this amendment would therefore create inconsistency.

This amendment also includes the following wording: “In carrying out its responsibilities under subsection (1), the Treasury Board may recommend regulations to the Governor in Council to give effect to this Act.” Where it says “of this Act” without mentioning its parts, that implies that the regulatory measures could apply to all parts of the act. That could be problematic in view of the separation of powers that is a feature of our parliamentary system.

If it applied to parts I and II of the act, that would mean that Treasury Board could tell parliamentarians what to do. As a rule, the public service never tells parliamentarians what to do.

Further, if it applied to part III, Treasury Board could tell the courts what to do. That would be problematic.

Finally, if it applied to part IX, which defines the role of the Commissioner of Official Languages, that would mean that Treasury Board could make regulations applicable to an independent officer of Parliament.

So this amendment would apply very broadly. I don't know if parliamentarians want to be told what to do by Treasury Board, but that could happen if this amendment were adopted.

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

I think that answers Mr. Serré's question.

Mr. Godin, would you like to say something else?

**Mr. Joël Godin:** I have two points, actually.

My first is directed to you, Mr. Newman. You said this could be discussed at the Council of Ministers, but when drafting a bill, it is essential to minimize possible interpretations and ensure that the individuals' intention is reflected. Leaving it to the discretion of the Council of Ministers is exactly what we don't want. That is what we did in the past and the Council of Ministers has not really done its job over the past 52 years. That is precisely what created the current official languages situation and led us to conduct the present study.

Ms. Boyer, I understand what you said and it is legitimate. We are the legislator, not specialists in the application of laws.

If I understand correctly, what is being proposed is interesting, but the Commissioner of Official Languages, Parliament and the courts would have to be excluded for it to be acceptable, applicable and more effective, is that correct?

**Ms. Julie Boyer:** Yes, the committee may choose the parts of the Official Languages Act in respect of which Treasury Board may make regulations.

I should note however that part of Treasury Board's mandate is relevant in this regard. I will let my colleagues from Treasury Board speak to this.

**Mr. Karim Adam (Director, Oversight and Compliance, Official Languages Centre of Excellence, People and Culture, Office of the Chief Human Resources Officer, Treasury Board Secretariat):** Very well, thank you.

I would note first that my colleague Ms. Boyer clearly identified the impact of expanding powers. At Treasury Board, we are primarily responsible for parts IV, V and VI of the Official Languages Act.

I wish to clarify something about how this amendment would expand Treasury Board's powers. In practical terms, in addition to having the power to recommend regulations, develop policies and directives, and monitor how federal institutions live up to their obligations, Treasury Board would be responsible for evaluating the effectiveness of programs for the implementation of the act. Ultimately, that would mean that Treasury Board would be responsible for establishing policies and directives, but also for monitoring compliance with them.

**Mr. Joël Godin:** Mr. Adam, you said that Treasury Board is currently responsible for parts IV, V, and VI of the Official Languages Act. As parliamentarians, though, can we not add to Treasury Board's duties and responsibilities for other parts as well?

• (0920)

**Mr. Karim Adam:** Bill C-13 does in fact include additional duties relating to part VII, with regard to linguistic clauses and positive measures, among other things.

**Mr. Joël Godin:** Mr. Adam, if the committee adopts amendments to the bill in order to add to Treasury Board's responsibilities under the new Official Languages Act, will Treasury Board exercise them?

The way you describe Treasury Board's responsibilities suggests that your actions are limited to parts IV, V and VI, and nothing further. Now you are saying that, under the bill, your responsibilities would pertain partially to part VII.

Here is what I would like to know: if the committee decides to adopt a bill that gives Treasury Board broader powers, will it exercise those powers?

**Mr. Karim Adam:** At the end of the day, we will do as the committee decides.

**Ms. Julie Boyer:** I should point out that everything must be consistent with Treasury Board's enabling statute.

**Mr. Joël Godin:** Yes.

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

**Mr. Joël Godin:** I appeal to my colleagues to adopt this amendment, given the scope of action it affords.

I am open to any subamendments to exclude the Commissioner of Official Languages and parliamentarians from its application. Ms. Boyer's point is valid. In any case, I think the amendment is important on the whole.

**The Chair:** It seems there are no further comments, so we will now vote.

(Amendment negated: nays 6; yeas 4 [*See Minutes of Proceedings*])

**The Chair:** That brings us to amendment LIB-27.

Mr. Serré, you have the floor.

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

Amendment LIB-27 is quite simple. I will read it first and then we can proceed.

I propose that Bill C-13, in Clause 25, be amended by replacing lines 26 and 27 on page 16 with the following:

implementation of Parts IV, V and VI, subsection 41(5) and paragraph 41(7)(a.1) in all federal institutions

This is simply to consider the obligations.

**The Chair:** Thank you, Mr. Serré.

Before proceeding with comments, I would note that if amendment LIB-27 is adopted, amendment NDP-11 cannot be proposed owing to a line conflict.

Are there any comments on amendment LIB-27?

You have the floor, Mr. Godin.

**Mr. Joël Godin:** For my part, Mr. Chair, I am open to what my colleague just proposed. The scope is not as broad as what was proposed in amendment CPC-41, but it does broaden the responsibilities nonetheless.

I would like to propose a subamendment.

**The Chair:** Mr. Godin, your subamendment is circulating. I just received it. We will suspend to take the time to consider it.

• (0935)

**The Chair:** We are back in session.

We are now at subamendment to LIB-27 introduced by Mr. Godin.

Mr. Godin, you have the floor.

**Mr. Joël Godin:** Mr. Chair, as luck would have it, I was able to have a discussion with the legislative clerks. I think my subamendment is in order, and I hope the committee members will be receptive.

I will be very transparent and explain what I am trying to do. Amendment CPC-41 did not pass. I want to be a good sport. I'm trying to find common ground to strengthen the act and give the departments tools so they can get the best results possible, based on the act—not the departments. They need to have the tools to step in, act and take the necessary measures.

I move that amendment LIB-27 to clause 25, page 16 of Bill C-13, be amended by replacing the words “, subsection 41(5) and paragraph 41(7)(a.1)” with the following:

and VII, except sections 43 and 44.1,

I don't want to be told that this was written for the Minister of Canadian Heritage or the Minister of Citizenship and Immigration. Section 43 is for the former, while section 44.1 is for the latter.

I think we have a great opportunity to show that we are able to work together. Initially, the strongest amendment was introduced, which was amendment CPC-47. The Liberals introduced LIB-27, which is not as strong as CPC-47, but stronger than the current act. I, for one, want to strengthen amendment LIB-27 by including all of part VII.

I can't take my argument any further. I think it makes sense. I trust my colleagues will support this amendment.



**The Chair:** Mr. Godin, you referred to amendment CPC-47, but it is amendment CPC-41.

**Mr. Joël Godin:** Thank you very much, Mr. Chair.

I see that you are keeping up well.

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

Seeing none, Madam Clerk, we will proceed to the vote.

(Subamendment negatived: nays 6; yeas 5)

● (0940)

**The Chair:** We're going back to amendment LIB-27.

Mr. Généreux, you have the floor.

**Mr. Bernard Généreux:** May I move a second subamendment?

**The Chair:** Yes, you may, Mr. Généreux.

**Mr. Bernard Généreux:** The text of the subamendment is being distributed.

I move that amendment LIB-27 to clause 25, on page 16 of Bill C-13, be amended by replacing “subsection 41(5) and paragraph 41(7)(a.1)” with the following:

and section 41

Mr. Godin is going to explain to you exactly what this means. He is the expert, and I am just his assistant.

**The Chair:** Mr. Godin, I therefore yield the floor to you.

**Mr. Joël Godin:** Thank you, Mr. Chair and Mr. Généreux.

This subamendment is along the same lines as amendment CPC-41. In terms of strength, the gradation would go something like this: we went from wisdom teeth to molars to baby teeth. That said, it may be better to have baby teeth than to have no teeth at all. That is more along the lines of what we are proposing with this subamendment.

Pretty soon we're going to have dentures, but I'll let other people around this table speak, with the co-operation of the NDP.

Let's not go on and on. I think this is a great opportunity to square the circle and put additional tools in the act to make public servants even more effective.

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

I am advised that those participating in the meeting virtually have not yet received the text of the subamendment amending LIB-27.

The subamendment introduced by Mr. Généreux is almost the same as the previous one, but it refers to section 41 rather than part VII.

Mr. Godin, is there anything you would like to add?

**Mr. Joël Godin:** Mr. Chair, I just want to bring to the attention of my colleagues that there have been improvements made to section 41 by Ms. Kayabaga and others. The Liberals have also proposed amendments to strengthen it. For our part, we have included economic development.

In my opinion, we need to be consistent. If we vote against this amendment, we show a lack of consistency. We need to see it through to the end. As I said before, if we are not able to pass an effective bill, unfortunately, it is the French language that will suffer. It is in danger, in decline. This is a great opportunity to give us tools to reverse that trend.

I expect all members of the committee to support this subamendment, since it is the most reasonable one.

I talked about the relative strength of the other three subamendments with a nice figure of speech involving teeth—the dentists are going to be happy that we are talking about them this morning.

I ask my colleagues to be reasonable and support this amendment. If they reject it, it will show that they are not consistent.

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

Since no one else seems to want to speak, we are going to vote on the subamendment to LIB-27.

(Subamendment negatived: nays 6; yeas 5)

● (0945)

**The Chair:** So we're back to amendment LIB-27.

Again, since no one seems to want to speak, we'll move to a vote on unamended LIB-27.

(Amendment agreed to: yeas 11; nays 0)

**The Chair:** We now turn to LIB-28.

Mr. Drouin, you have the floor.

**Mr. Francis Drouin (Glengarry—Prescott—Russell, Lib.):** Thank you, Mr. Chair.

I move that Bill C-13, in clause 25, be amended in item (a) by replacing lines 33 to 40 on page 16, with the following:

repealed.

I also move that this bill, in the same clause, be amended, in item (b), by replacing lines 3 to 8 on page 17 with the following:

(3) In carrying out its responsibilities [...]

You will have noticed that under the heading “Duties”, paragraph (4) says “In carrying out its responsibilities [...], the Treasury Board shall [...]. Since paragraph (3) has been eliminated, under the heading “For greater certainty”, the current paragraph (4) becomes paragraph (3).

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

In passing, I would like to point out that if LIB-28 carries, NDP-12 and BQ-50 cannot be introduced, due to a line conflict.

Mr. Godin, you have the floor on amendment LIB-28.

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

We agree in principle. That said, in our view, amendment NDP-12 is stronger. I will vote against LIB-28, but I will vote in favour of NDP-12.

**The Chair:** That's fine. Thank you.

Seeing no further comments, we will vote on LIB-28.

(Amendment agreed to; yeas 6; nays 5)

**The Chair:** As I mentioned earlier, if LIB-28 passes, NDP-12 and BQ-50 cannot be introduced.

So we now move to amendment LIB-30.

Mr. Serré, you have the floor.

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

I move that Bill C-13, in clause 25, be amended in item (a) by replacing line 16 on page 17 with the following:

subsection 41(5) and paragraph 41(7)(a.1);

I also move that this bill, in the same clause, be amended, in item (b), by replacing line 31 on page 17 with the following:

grams that give effect to subsection 41(5) and paragraph 41(7)(a.1).

Of course, there are other amendments that will follow to add to it, but this is the current wording of the amendment.

• (0950)

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

**Mr. Mario Beaulieu:** Could the author of the motion explain it a bit more?

**Mr. Marc Serré:** We are talking about all the provisions that we mentioned earlier. We are just enriching and defining the roles. This is in line with a series of amendments that we talked about earlier, LIB-27, LIB-28, and LIB-29, which aim to clarify the roles.

Ms. Boyer seems to have some clarifications to make.

**Ms. Julie Boyer:** It would be my pleasure, Mr. Chair.

Amendment LIB-30 proposes that there be oversight or that the Governor in Council may issue instructions for the implementation of two provisions of part VII of the act. The first is to consider the inclusion of language clauses in federal, provincial and territorial agreements, and the second is the taking of positive measures.

This also requires Treasury Board to provide information and advice to employees on these provisions.

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

Does that suit you, Mr. Beaulieu?

**Mr. Mario Beaulieu:** Are the provincial governments, including the Quebec government, consulted, in the process? I don't think it affects them.

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

**Mrs. Chantal Terrien (Manager, Modernization of the Official Languages Act, Department of Canadian Heritage):** Thank you for the question, Mr. Chair.

This is part VIII of the act. It deals with the powers, duties and functions of Treasury Board, and in this context, it's really about the federal government, so it's not about the provincial and territorial governments.

I don't know if my colleague wants to add anything.

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

**Mr. Karim Adam:** Thank you, Mr. Chair.

I might add that the effect of this amendment would be to give Treasury Board the authority to recommend, for example, regulations, or to develop policies and guidelines, in addition to informing federal officials about the application of institutions' official languages obligations.

This therefore gives Treasury Board expanded powers and new obligations in connection with agreements with the provinces and territories.

Thank you.

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

Are there any other questions or comments?

Mr. Godin, the floor is yours.

**Mr. Joël Godin:** I have a quick comment, Mr. Chair.

I will use the image related to teeth again. Right now, I'm looking in my patient's mouth, and I see a little bit of tooth sticking out of the gum, so we'll support the amendment.

**The Chair:** Perfect. There being no further comments, I call for the vote on LIB-30.

You may proceed, Madam Clerk.

(Amendment agreed to; yeas 11; nays 0)

(Clause 25 as amended agreed to)

**The Chair:** We will now move to clause 26 and amendment LIB-31.

Mr. Drouin, you have the floor.

**Mr. Francis Drouin:** If you recall, I proposed earlier in my LIB-28 amendment to move "The Treasury Board shall, as part of such mis-" to subclause (3) of clause 25.

Amendment LIB-31 is related to this.

I move that Bill C-13 in clause 26, be amended by replacing line 38 on page 17 with the following:

that are prepared under paragraph 46(3)(c).

Current paragraph 46(4)(c) of the bill therefore would no longer exist.

• (0955)

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

Mr. Godin, you have the floor.

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

Mr. Drouin, your comment is a good one, but I don't think there is a need for an amendment, because the whole bill will be revised with the references, and the correction will happen automatically.

The House legislative clerks will correct the typos. Am I wrong?

I would like to put that question to our legislative clerks. Are they allowed to speak, Mr. Chair?

**The Chair:** Before we go any further, I would like to explain that if LIB-31 passes...

Please give me a few seconds.

Mr. Godin, you may direct your question to the clerk, Ms. Thivierge.

**Mr. Joël Godin:** I would simply like to verify what I have stated.

Is it true that you are going to review the entire bill to make sure that it is consistent and that the typos, if there are any, will be corrected?

I think that's your job, but are you going to review the entire bill?

**Ms. Émilie Thivierge (Legislative Clerk):** Thank you for the question.

As legislative clerks, we do not do the linguistic revision of the text of the bill. We only review the amendments. At the reprinting stage, the jurilinguist team is involved, but the interventions are limited. So I couldn't tell you whether this kind of amendment is necessary or not.

The legislative clerks can renumber, but I am not convinced that they can add references because they are subject to Standing Order 156. I know that corrections are made, but I don't know the details.

**Mr. Joël Godin:** Thank you, Ms. Thivierge.

This helps us understand the whole process. That's nice, thank you.

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

Madam Clerk, I call the vote on amendment LIB-31.

(Amendment agreed to: yeas 11; nays 0)

**The Chair:** Amendment LIB-32 is not being moved.

Shall clause 26 of Bill C-13, as amended, carry?

(Clause 26 as amended agreed to)

**The Chair:** Shall clause 27 carry?

(Clause 27 agreed to)

**The Chair:** No amendments were tabled to clause 27.

I am at clause 27 in Bill C-13.

**Mr. Joël Godin:** Me too.

**The Chair:** But maybe not in the same place.

**Some hon. members:** Ha, ha!

**Mr. Joël Godin:** Mr. Chair. I have amendment CPC-42 that refers to clause 27.1.

**The Chair:** It's a new clause.

**Mr. Joël Godin:** I'm right behind you, Mr. Chair.

I'm on clause 27, but I forgot it was 27.1.

• (1000)

**The Chair:** Clause 27 has passed, which brings us to the proposal of a new clause, clause 27.1.

This brings us to amendment CPC-42.

Mr. Godin, I'll turn the floor over to you.

**Mr. Joël Godin:** I move that Bill C-13 be amended by adding after line 12 on page 18 the following new clause:

27.1 Section 52 of the Act is replaced by the following:

52 The Commissioner may engage, on a temporary basis, the services of persons having technical or specialized knowledge of any matter relating to the work of the Commissioner to advise and assist the Commissioner in the performance of the duties of his office and may fix and pay the remuneration and expenses of those persons.

Allowing the commissioner to have the tools they need to do their job well is a no-brainer, in my opinion. I don't think we can argue against this additional measure. Those are my only comments.

**The Chair:** Mr. Godin, your amendment is in order.

Are there any questions or comments regarding CPC-42?

Seeing none, I call the vote on amendment CPC-42, Madam Clerk.

(Amendment negatived: nays 6; yeas 5)

(Clause 28)

**The Chair:** Shall clause 28 carry?

(Clause 28 agreed to)

**The Chair:** We will now study amendment CPC-43, which introduces a new clause, clause 28.1.

Mr. Godin, you have the floor.

**Mr. Joël Godin:** Mr. Chair, the principle is similar here. It's about giving more tools to all the stakeholders who can advance the cause. Amendment CPC-42 did not pass, but I am making another attempt to better equip the commissioner.

I move that Bill C-13 be amended by adding, after line 18 on page 18, the following new clause:

28.1 Subsection 56(1) of the Act is replaced by the following:

56 (1) It is the duty of the Commissioner to take all actions and measures within the authority of the Commissioner with a view to ensuring recognition of the status of each of the official languages and compliance with the spirit and intent of this act in the administration of the affairs of federal institutions, including any of their activities relating to the advancement of English and French in Canadian society, consistent with federal, provincial and territorial measures to promote and protect the French language.

I don't want to be redundant. So I won't comment further. This is just to provide tools to the commissioner.

**The Chair:** Mr. Beaulieu, what I am about to say will answer part of the question you are about to ask, I imagine.

I want to bring to the attention of the members of the committee that amendment CPC-43, which is being discussed now, and amendment BQ-51 deal with the same and nearly identical measures. I encourage members to take this into account in their deliberations.

Are there any questions or comments on amendment CPC-43?

You have the floor, Mr. Beaulieu.

**Mr. Mario Beaulieu:** Naturally, I support this motion.

The amendment adds consideration of the promotion and protection of French. We are told that it is the government's intention to protect and promote French. So this is to ensure that the commissioner takes those aspects into consideration.

• (1005)

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

Seeing none, we will vote on amendment CPC-43, Madam Clerk.

(Amendment negatived: nays 6; yeas 5)

**The Chair:** We now turn to amendment BQ-51, which is very similar, but not identical to amendment CPC-43.

Do you wish to move your amendment, Mr. Beaulieu?

**Mr. Mario Beaulieu:** I'm going to move it anyway, while mentioning the importance, as I said earlier, of taking into consideration the goal of promoting and protecting French.

**The Chair:** That's fine, thank you.

Mr. Godin, you have the floor.

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

You should know that I will be supporting my colleague's amendment, but I just want to express a thought.

The minister said that through Bill C-13, she would give the commissioner additional tools. If there is an opportunity to add more to make it more effective, why aren't we getting that into the bill?

This is both a question and a comment, Mr. Chair. I would encourage our friends across the way and my colleague from the NDP to think before they vote.

**The Chair:** Thank you for your comment, Mr. Godin.

Are there any other comments on amendment BQ-51?

(Amendment negatived: nays 6; yeas 5)

**The Chair:** New clause 28.1 is no longer needed.

(Clauses 29 and 30 agreed to)

(Clause 31)

**The Chair:** We're moving on to clause 31.

Mr. Beaulieu, do you wish to move amendment BQ-53?

**Mr. Mario Beaulieu:** No, I'm not going to move it.

**The Chair:** All right.

We'll go to amendment BQ-52.

You're telling me that you will not be moving that either. All right.

(Clauses 31 and 32 agreed to)

(Clause 33)

**The Chair:** We will move on to clause 33.

Are you going to move amendment BQ-54, Mr. Beaulieu?

**Mr. Mario Beaulieu:** No. I am not going to move amendments BQ-54 and BQ-55.

**The Chair:** All right.

(Clauses 34 and 35 agreed to)

(Clause 36)

• (1010)

**The Chair:** We will move on to clause 36.

Before we hear any comments on the new NDP-13 amendment, I should tell you that if it passes, it will not be possible to move CPC-44, LIB-33, and CPC-45, due to a line conflict. Also, if the new NDP-13 amendment passes, it will not be possible to move LIB-34, as its language is included in the new NDP-13 amendment.

**Ms. Niki Ashton (Churchill—Keewatinook Aski, NDP):** Thank you, Mr. Chair.

I am moving amendment NDP-13 with the intention of giving the Commissioner of Official Languages more authority and strengthening his important work. Of course, I hope to have the support of all members of the committee.

I'm keeping my comments brief, as I want the committee to move quickly to a vote.

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

Mr. Godin, you have the floor.

**Mr. Joël Godin:** In fact, I am grateful that my NDP colleague wants to strengthen the law by giving the commissioner tools. For the benefit of the people listening at home, I'm going to give a summary of the situation.

On December 9, amendments were moved by the Liberals. On December 2, I tabled amendment CPC-45. On October 13, 2022, I tabled amendment CPC-44. On March 21, the wording of LIB-34 was incorporated into NDP-13. In my opinion, this demonstrates the teamwork and coalition between the NDP and the Liberal Party, which I find very peculiar.

**The Chair:** Mr. Godin, I'm going to stop you right there, since this is completely irrelevant.

Your comment is not about the new NDP-13 amendment. Yet that is the topic of this discussion. Your conclusions and comments are not related to what we are currently discussing. What you say does not concern Bill C-13 and has no relevance for the public. You are sharing an opinion with us; you are making a political analysis. However, if you have the floor, it is to talk about new amendment NDP-13.

**Mr. Joël Godin:** All right, Mr. Chair.

Thank you.

I just wanted to provide some context before I moved a subamendment to give the commissioner more tools. My colleague has also tabled an amendment to that effect.

Mr. Chair, I will read the subamendment while the text is being distributed.

I move that item (a) of amendment NDP-13, calling for changes to clause 36 on page 22 of Bill C-13 be amended by replacing lines 33 to 41 on page 22 in the passage “under part IV or part V” with the following:

under part IV, V or VII

I also move that item (b) of that amendment be amended by replacing, in the passage “under part IV or V or subsection 41(7) or (10)”, with the following:

under part IV, V, or VII

That is along the same lines as what my colleague presented to give the commissioner more tools.

**The Chair:** Continue, Mr. Godin, the text of the subamendment is being circulated.

**Mr. Joël Godin:** I was done, Mr. Chair.

I made a nice introduction, so I can wrap it up right now.

**The Chair:** The document is being circulated, but I don't know if the people who are attending the meeting virtually have received it.

• (1015)

**Mr. Joël Godin:** In summary, Mr. Chair, we would be adding part VII.

**The Chair:** That is what I understood. You are adding part VII to the other two parts in the amendment.

Are there any questions or comments?

So we'll move to a vote on Mr. Godin's proposed subamendment to amendment NDP-13.

(Subamendment negatived: nays 6; yeas 5)

**The Chair:** So we're back to amendment NDP-13.

Are there any comments?

I see no hands raised, so we will proceed to the vote.

(Amendment agreed to: yeas 11; nays 0)

**The Chair:** The adoption of amendment NDP-13 annuls amendments CPC-44, LIB-33, LIB-45, LIB-34.

Shall clause 36 as amended carry?

(Clause 36 as amended agreed to)

(Clause 37)

**The Chair:** We now go to amendment CPC-46 on clause 37.

Mr. Godin, you have the floor.

Will someone move amendment CPC-46?

**Mr. Joël Godin:** Yes.

Mr. Chair, once again, to broaden the scope, amendment CPC-46 proposes that Bill C-13, in clause 37, be amended by replacing line 26 on page 24 with the following:

*designated body* means a federal institution referred to in

The amendment concerns the definitions.

**The Chair:** Very well, Mr. Godin.

I remember what you said to me earlier about an amendment proposed by the Bloc Québécois.

Bill C-13 amends the Official Languages Act by establishing an administrative monetary penalty regime that may apply to a designated organization, which is defined as a Crown corporation or a corporation subject to the Official Languages Act pursuant to another Act of Parliament.

CPC-46 is an amendment to expand the definition of “designated body” to include federal institutions.

The third edition of the *House of Commons Procedure and Practice*, on page 770, states that:

An amendment to a bill that was referred to a committee after second reading is out of order if it is beyond the scope and principle of the bill.

The chair believes that expanding the definition of “designated body” to include federal institutions is beyond the scope of the bill as passed on second reading by the House.

Therefore, I rule this amendment out of order.

You have the right to challenge the ruling of the chair, Mr. Godin.

**Mr. Joël Godin:** Mr. Chair, time is not on our side. I won't challenge the ruling.

**The Chair:** Thank you.

We will now move on to amendment CPC-47.

Mr. Godin, you have the floor.

• (1020)

**Mr. Joël Godin:** I will move the amendment. Afterwards, I will put a question to Ms. Boyer or to other officials.

I move that Bill C-13, in clause 37, be amended by replacing line 30 on page 24 to line 4 on page 25 with the following:

65.2 Sections 65.3 through 65.95 apply to federal institutions that have duties under Part IV or V.

**The Chair:** Before you ask your questions, Mr. Godin, I would like to make a comment.

You have moved and explained amendment CPC-47. So I should tell you that it is the view of the chair that Bill C-13 amends the Official Languages Act by establishing an administrative monetary penalty regime that may apply to a designated agency. These are almost the same arguments—

**Mr. Joël Godin:** Mr. Chair, no need to go through the whole argument.

I'll say it again. Time is against us—

**The Chair:** Your amendment is therefore out of order.

**Mr. Joël Godin:** Very well.

If it's out of order, let's move on.

Thank you.

**The Chair:** All right, thank you.

You understand that your amendment needs to be moved, otherwise it's like it doesn't exist. We need to examine the content of the amendment before I can decide whether it is in order or not.

We now turn to amendment CPC-48.

Do you want to move amendment CPC-48?

**Mr. Joël Godin:** Of course, Mr. Chair—

**The Chair:** Do you want us to save time?

**Some hon. members:** Oh, oh!

**Mr. Joël Godin:** Does that mean that it is also out of order?

I will read it quickly.

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

**Mr. Joël Godin:** Amendment CPC-48. I move that Bill C-13, in clause 37, be amended by replacing line 6 on page 25 with the following:

with Parts IV and V and not to punish.

**The Chair:** Amendment CPC-48 is also out of order—

**Mr. Joël Godin:** All right.

Let's move on. The next is CPC-49.

Have you read it?

**The Chair:** Are you moving amendment CPC-49?

**Mr. Joël Godin:** Should I move it, Mr. Chair?

**Some hon. members:** Oh, oh!

**Mr. Joël Godin:** Given the look on your face, Mr. Chair, I think I'll get the same answer.

**The Chair:** I can't play poker. I'm not a good player.

**Mr. Joël Godin:** Let's move on, in that case.

**The Chair:** Are you moving amendment CPC-49?

So you are not moving it.

**Some hon. members:** Oh, oh!

(Clause 37 agreed to)

(Clause 38)

**The Chair:** We are now at clause 38, and amendment BQ-56 to that clause.

Mr. Beaulieu, you have the floor.

**Mr. Mario Beaulieu:** I'm not going to move it.

**The Chair:** All right.

The next amendment is LIB-35.

Mr. Serré, we're listening.

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

**The Chair:** First, are you moving amendment LIB-35?

**Mr. Marc Serré:** Yes.

**The Chair:** All right.

I'd like to say—

**Some hon. members:** Oh, oh!

**The Chair:** No, it's not the same thing at all. I will now make a habit of asking if the amendment is being moved.

Before we debate the amendment, I wanted to tell the committee that if LIB-35 is moved, NDP-14 cannot be, because it is identical.

Mr. Serré, you have the floor on amendment LIB-35.

**Mr. Marc Serré:** Thank you for that clarification, Mr. Chair.

As far as LIB-35 is concerned, it just—

**Mr. Joël Godin:** Excuse me, Mr. Chair.

Why are we not allowed to move amendment NDP-14 before amendment LIB-35? It is a procedural matter. NDP-14 was tabled a day before LIB-35.

**The Chair:** That is a good technical question that I'm going to put to the experts.

Please wait a moment.

You have the floor, Madam Clerk.

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

Thank you for your question, Mr. Godin.

Actually, if you look at the date at the bottom of the page, it is not the date the amendment was tabled, it is the date it was drafted. The date of filing is the date the amendment was filed with the clerk of the committee. It is that date and time that we look at.

Amendment LIB-35 was submitted to the clerk before the NDP-14 amendment. That is the only reason it precedes it.

**Mr. Joël Godin:** This means that the date that we see under our amendments, that is, under "Committee Stage", is the date the amendment was drafted.

**The Chair:** That is the date of the legislative drafting.

**Mr. Joël Godin:** All right.

Let me go back to the drafting date. Does that mean that once the amendment is drafted, it goes directly to the clerk?

**The Clerk:** The amendment is first sent to the member, who must then decide whether or not to submit it.

**Mr. Joël Godin:** What is the time you see at the bottom in small print?

**The Clerk:** This is the last time the text of the amendment was changed in the system.

**Mr. Joël Godin:** I see.

**The Chair:** Thank you for that clarification. There are a lot of technical aspects, today.

Mr. Serré, you have the floor.

**Mr. Marc Serré:** Amendment LIB-35 is fairly straightforward. It just adds clarification to the LIB-14 amendment.

I move that Bill C-13, in clause 38, be amended by replacing line 14 on page 31 with the following:

of the contravention or violation that resulted in the order being

This amendment merely adds some clarification.

• (1025)

**The Chair:** Thank you.

Are there any comments?

(Amendment agreed to: yeas 11; nays 0)

**The Chair:** Since LIB-35 has passed, NDP-14 cannot be moved.

(Clause 38 as amended agreed to)

(Clause 39 agreed to)

(Clause 40)

**The Chair:** We will now move on to clause 40.

Mr. Godin, are you moving amendment CPC-50?

**Mr. Joël Godin:** Yes, Mr. Chair. Do you have anything to say?

**The Chair:** No.

**Mr. Joël Godin:** All right. I'm asking because it's long.

I move that Bill C-13, in clause 40, be amended by adding after line 39 on page 31 the following:

(2.1) Subsection 77(2) of the Act is amended by adding the following after paragraph (a):

(a.1) the complainant is informed of the actions taken to implement the recommendations that the Commissioner made under subsection 63(3),

(2.2) Subsection 77(3) of the Act is replaced by the following:

(3) Where a complaint is made to the Commissioner under this Act but the complainant is not informed of the results of the investigation of the complaint under subsection 64(1), of the actions taken to implement the recommendations that the Commissioner made under subsection 63(3), of the recommendations of the Commissioner under subsection 64(2) or of a decision under subsection 58(5) within six months after the complaint is made, the complainant may make an application under subsection (1) at any time thereafter.

I don't think I need to make a long argument. People around the table can make up their minds. Maybe their minds are already made up.

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

(Amendment agreed to: yeas 11; nays 0)

(Clause 40 as amended agreed to)

(Clauses 41 and 42 agreed to)

**The Chair:** We now move on to new clause 42.1. The Conservative Party has a history of proposing new clauses.

Mr. Godin, are you moving amendment CPC-51?

**Mr. Joël Godin:** Mr. Chair, yes, it will be moved, but your comment was not appropriate. As chair, it is not your place to judge our work.

• (1030)

**The Chair:** That was a positive comment.

**Mr. Joël Godin:** It was a joke, Mr. Chair. There was no animosity in my comment, far from it. I will now move amendment CPC-51.

I move that Bill C-13 be amended by adding after line 14 on page 35 the following new clause:

42.1 The Act is amended by adding the following after section 79:

79.1 For greater certainty, in proceedings under this Part, the Court may admit as evidence information relating to events that occurred after the complaint to the Commissioner was made, including information enabling an evaluation of whether the complaint is well-founded and whether the remedy to be granted, if any, is appropriate and just.

This clause is significant, because it would make the process much quicker and less complicated, and francophones would also waste much less time in court. I'm thinking, among other things, of a lawsuit by the Fédération des francophones de la Colombie-Britannique, or FFCB, and of the work of volunteers. This amendment would speed up and eliminate some of the legal battles that are always funded by the public purse. In addition, francophones would stand to gain from this.

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

Any questions or comments?

I see no one wants to speak, so I will call the vote on amendment CPC-51, which introduces the new clause 42.1.

(Amendment negatived: nays 6; yeas 5)

(On clause 43)

**The Chair:** We will now move on to amendment BQ-57, about clause 43.

Mr. Beaulieu, are you moving this amendment?

**Mr. Mario Beaulieu:** I am, but I'm removing the second subsection from it, so that the amendment will be in order.

**The Chair:** I don't believe that you can amend your own amendment, Mr. Beaulieu.

**Mr. Mario Beaulieu:** No, I wish to introduce it with the second subsection removed. The amendment has yet to be introduced.

**The Chair:** Okay, it hasn't been introduced yet.

One moment, I will consult the experts.

**Mr. Joël Godin:** You can seek unanimous consent. I believe our colleagues opposite are very receptive this morning.

**The Chair:** Mr. Beaulieu, I want to make sure I understand.

You are introducing amendment BQ-57 with the second subsection removed entirely. Is that correct?

**Mr. Mario Beaulieu:** Yes, Mr. Chair. Section 81.1 as proposed contains subsections (1), (2) and (3), but I am removing subsection (2). I am also removing it from the English version.

**The Chair:** What did you say about section 81.1? It may help us determine whether or not your amendment is in order.

**Mr. Mario Beaulieu:** It would read as follows:

(4) The Act is amended by adding the following after section 81:

81.1 (1) For greater certainty, the implementation of this Act shall be carried out in accordance with the jurisdiction and powers of the provinces and territories, including with the *Charter of the French Language* in Quebec.

(2) This Act recognizes that French is the official and common language in Quebec.

The former subsection (2) is removed and the former subsection (3) becomes the new subsection (2).

**The Chair:** That's fine, thank you.

Your amendment is in order, Mr. Beaulieu.

Are there any questions?

I see no one wants to speak, so I will call the vote.

(Amendment negatived: nays 6; yeas 5)

(Clause 43 agreed to)

(On clause 44)

• (1035)

**The Chair:** That brings us to amendment CPC-52, on clause 44.

Mr. Godin, are you moving it?

**Mr. Joël Godin:** Absolutely, Mr. Chair.

**The Chair:** Before you debate it, I want to mention that if amendment CPC-52 passes, amendment BQ-58 cannot be moved due to a line conflict.

Mr. Godin, you have the floor.

**Mr. Joël Godin:** Mr. Chair, in amendment CPC-52, I move that Bill C-13, in clause 44, be amended by replacing lines 13 to 16 on page 36 with the following:

Crown who is responsible for the provision shall seek the views of the provincial and territorial governments, of members of the English and French linguistic minority communities at a time and in a manner appropriate to the circumstances and, if appropriate, of mem-

**The Chair:** Perfect, Mr. Godin.

Are there any questions at the table or virtually?

I see none, so I will call the vote.

(Amendment negatived: nays 6; yeas 5)

**The Chair:** Mr. Beaulieu, are you moving amendment BQ-58?

**Mr. Mario Beaulieu:** Yes.

**The Chair:** Go ahead.

**Mr. Mario Beaulieu:** I move that Bill C-13, in clause 44, be amended by replacing line 14 on page 36 with the following:

time and in a manner appropriate to the circumstances and after consulting the provincial and territorial governments,

This amendment is simply to ensure that provincial governments, including Quebec's, are consulted.

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

Are there any questions at the table or virtually?

I see none, so I will call the vote.

(Amendment negatived: nays 6; yeas 5)

(Clauses 44 to 48 agreed to)

(On clause 49)

**The Chair:** That brings us to clause 49.

Do you wish to move amendment CPC-53, Mr. Godin?

**Mr. Joël Godin:** Yes, Mr. Chair. May I make a comment?

**The Chair:** You may.

**Mr. Joël Godin:** I'll make it quick.

In amendment CPC-53, I move that Bill C-13, in clause 49, be amended by adding after line 28 on page 37 the following:

91.1 The Governor General of Canada or other Chief Executive Officer or administrator carrying on the Government of Canada on behalf and in the name of the Sovereign, by whatever title designated, must be able to speak and understand clearly both official languages at the time of their appointment.

We currently have a case in point. We have a very respectable Governor General who is bilingual, but who unfortunately does not speak French. Therefore, I feel that this addition to Bill C-13 is necessary to ensure that proficiency in both official languages, French and English, is included in the eligibility criteria for the position of Governor General.

When I say "bilingual" in Canada, I always emphasize that I mean French and English. Currently, we have a Governor General who is bilingual, but does not speak French.

I feel that this should be added to Bill C-13. It's not retroactive; I want everyone to understand that it will be applied in the future. Please do not argue that we will dismiss the Governor General. It's too late for that.

I would also say that we enact legislation precisely to give us strong tools to demonstrate, at the highest level, and in the highest positions in our country, that we are leading by example and appointing people who speak French and English.

• (1040)

**The Chair:** Thank you.

First, I want to mention to committee members that amendments CPC-53, CPC-54 and LIB-36 deal with similar measures. That said, here is my ruling on amendment CPC-53.

Bill C-13 seeks to amend the Official Languages Act, which does not apply to representatives of the Crown in Canada. However, amendment CPC-53 seeks to make the "Governor General of Canada or other Chief Executive Officer or administrator carrying on the Government of Canada on behalf and in the name of the Sovereign" subject to the act. That is beyond the scope of the bill passed at second reading by the House of Commons.



I would refer to the *House of Commons Procedure and Practice*, third edition, page 770: “An amendment to a bill that was referred to a committee after second reading is out of order if it is beyond the scope and principle of the bill.”

In my opinion, for the reasons stated above, the amendment is beyond the scope of the bill. Therefore, I rule that the amendment is out of order.

Mr. Beaulieu, you have the floor.

**Mr. Mario Beaulieu:** I would like to move a subamendment to render it in order. Am I allowed to do that?

**The Chair:** It's too late, because amendment CPC-53 has been ruled out of order.

**Mr. Joël Godin:** You just said it. He can't react until he knows.

**The Chair:** I have just said that amendment CPC-53 is out of order. That does not prevent Mr. Beaulieu from moving an amendment, but he cannot move a subamendment.

**Mr. Mario Beaulieu:** Could I move a similar amendment? Can I do that now?

**The Chair:** You are free to do so, but amendment CPC-53 is out of order.

**Mr. Joël Godin:** Before that, Mr. Chair, I'd like to respond to your comment. I understand what you said, but I have two questions.

First, how is it that in this bill we can dictate what language is to be used by Supreme Court justices, but we are not able to apply that to the Governor General?

Second, otherwise, who is going to do it? What act can we include a provision like this in, if not this one?

**The Chair:** I guess you are asking our experts.

Ms. Boyer, you have the floor.

**Ms. Julie Boyer:** I will turn this one over to Mr. Newman.

**Mr. Warren Newman:** You ask quite a big question. As you well know, there have been bills in the past that sought to amend the Supreme Court Act precisely to add language requirements when appointing justices. Then the Supreme Court became constitutionally entrenched. The Supreme Court recognized that it was part of our constitutional architecture in the Reference Re Supreme Court Act in 2014. Since then, no further amendments to the Supreme Court Act have been made, because the composition of the Supreme Court is constitutionally entrenched in section 41 of the Constitution Act, 1982.

This bill seeks to extend to the Supreme Court a provision that has existed since 1988 and applies to all federal courts except the Supreme Court. However, this remains an institutional requirement. It says that the Supreme Court should act to ensure that when justices hear a case before it, those justices can hear it without the assistance of an interpreter. It is up to the Supreme Court to comply with this institutional requirement.

With respect to this new requirement, or expansion of the requirement that already exists for other federal courts, we believe that in 2023 the Supreme Court is in a position to do what it may not have been in a position to do in 1988, when an exception was made for it. The justices appointed to the court are currently bilingual. There is no requirement attached to their appointment.

Now let's go back to the appointment of the Governor General. The Governor General is appointed by the Queen, or rather the King now, just as the Lieutenant Governor is appointed by the Governor General. The office of Queen or King, as well as the office of Governor General, are protected under section 41 of the Constitution Act, 1982. This makes it very difficult for Parliament to claim the power to add conditions of appointment.

The appointment of the Governor General falls under the royal prerogative, and the appointment of the Lieutenant Governor falls under section 58 of the Constitution Act, 1867.

• (1045)

**The Chair:** Yes, thank you.

**Mr. Warren Newman:** No language requirement is attached to the appointment.

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

I have ruled that amendment CPC-53 is out of order. You can do only one thing right now. I gave this a little bit of time because I was curious to hear the argument myself.

Mr. Godin, are you challenging my ruling?

**Mr. Joël Godin:** Yes, I am challenging the chair's ruling.

**The Chair:** That's fine.

• (1050)

Madam Clerk, you may call the vote on the challenge to my ruling.

• (1055)

(Ruling of the chair sustained: yeas 6; nays 5)

• (1105)

**The Chair:** Before I adjourn, because I see the clock ticking away, I remind you that I had mentioned that amendments CPC-53, CPC-54 and LIB-36 deal with similar measures. I have ruled that amendment CPC-53 is out of order.

With that, I'll leave you to think about what's coming. We now adjourn until the next meeting at 12:30 p.m. We are changing rooms. We will be in room 425. I would ask those participating virtually to log in at least 10 minutes early, and those attending in person to at least be on time, in order to save some time.

The meeting is adjourned.





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