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## **Standing Committee on Official Languages**

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**EVIDENCE**

**Tuesday, December 11, 2018**

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**Chair**

**The Honourable Denis Paradis**



## Standing Committee on Official Languages

Tuesday, December 11, 2018

• (0850)

[Translation]

**The Chair (Hon. Denis Paradis (Brome—Missisquoi, Lib.)):** Pursuant to Standing Order 108(2), we will continue our study of the state of Canada's Francophonie.

This meeting is being broadcast, but it is not a popular current events show like *Tout le monde en parle*; it is the Standing Committee on Official Languages.

This morning, we are pleased to have Ronald Caza with us to talk about the situation in Ontario.

Welcome, Mr. Caza. You have a few minutes for your presentation. Then, as usual, we will have questions and comments from committee members.

Mr. Caza, you have the floor.

**Mr. Ronald F. Caza (Lawyer, Caza Saikaley LLP):** Thank you very much, Mr. Paradis.

I will make a short presentation. I'm going to raise three points that I raise every time I have a chance to talk about the status of minority francophone communities, and not just those in Ontario.

First, I would like to talk to you about what it means to be a member of a linguistic minority because that is important to keep in mind. That is probably not the case for everyone here, but it is for some of you.

Second, I would like to talk about the reinforcements we need. We must seize every opportunity to take advantage of supports that are available.

Third, I would like to talk about how rights-holders are vulnerable and some other issues that must be addressed.

Being part of a linguistic minority means making a continuous effort. Those who have experienced it know what I mean. I have an analogy for those who have not experienced it.

Francophone Acadians, Franco-Ontarians and Franco-Manitobans can never rest. They have to keep swimming. They have to make a conscious decision every day to keep making an effort. Swimming requires constant effort and constant movement. No matter what, the desire to preserve our language and culture must be instinctive.

While members of the francophone minority swim, the anglophone majority travels by boat. I'm talking about Ontario, but it's the

same everywhere. They live their lives without ever having to make an effort to maintain their language and culture.

Assimilation happens when a francophone stops swimming. He won't die, but he'll get on the boat and start living with the anglophones on board. Once a francophone is on the boat and stops swimming, he forgets how to swim in no time. If he forgets how to swim, he can't teach his kids to swim, and they can't teach theirs. That is when irreparable harm is done and francophones end up being assimilated because those who should be swimming end up on a boat.

Franco-Ontarians, Acadians and Franco-Manitobans must make it a priority to keep swimming. One way to do that is to swim alongside others. Franco-Ontarians swim alongside each other. The more people they're swimming with, the more motivated they are to swim.

Swimmers also need encouragement. They need beacons to show them where to swim. The Montfort is one such beacon. I can go into more detail about that later if people have questions. The Montfort hospital is a lodestar for all swimmers, not just those who will one day require care there. All francophones in minority communities can see that the institutions exist. That buoys them and sends them the most important message there is: it is worth fighting to save our language and culture. That message needs to be broadcast at every possible opportunity.

When we protect and strengthen institutions, we send the linguistic minority the message that their efforts are worthwhile. Constitutionally, a government cannot tell a linguistic minority that its efforts to keep swimming are futile. As I just said, if we stop swimming, irreparable harm is done. We lose a significant share of the linguistic minority that keeps our language and culture alive.

As I said, we need reinforcements. I have good news. Reinforcements arrive every day at the Ottawa airport, the Toronto airport and other airports. Those airplanes are carrying francophones from around the world. Many of them are from Africa, Haiti and other countries that are home to francophones. These people will be the salvation of francophone minorities. They are the best possible soldiers in the war against assimilation.

Upon arriving at the airport, these people should be welcomed as heroes by the linguistic minority, for that is what they are. Most of them are parents who want a better life for their children and believe they can find that here. They want their better life here to be lived in French.

●(0855)

As I said, it is important to welcome them into our communities, our social circles and our families with open arms. We need them. They are the bravest soldiers and they can help us fight the war against assimilation. I have worked with many people from other countries who have come here to join our community, and I can tell you how amazing it is to see them leap from the plane right into the water and start swimming with us. They don't wait. We don't have to convince them. They jump right in and swim with us. They are everywhere. We have to encourage these people, these soldiers, to come together and settle all over the country where we need them to swim alongside our swimmers. Some of our own family members are reluctant to swim. I have two examples relating to rights-holders, francophones in this case.

Some francophone parents enrol their kids in English schools. That is something we have been seeing for decades. In many cases, they do it because of an illusion. They believe that their kids will learn English better and become perfectly bilingual. That is not true. The fact is that young francophones who end up in English schools start assimilating and losing their language and culture. They become anglophone, they stop swimming, and they live out their lives on the boat. Rights-holders who enrol their children in English schools put them on the boat instead of making them swim with the rest of us so they can preserve their language and culture.

My second example involves francophone rights-holders who enrol their children in immersion programs. Immersion schools are one of the best things that has happened to the linguistic minority. They have made an entire generation aware of linguistic minorities. For the past two decades or so, our population has been much more aware and recognizes the importance of having linguistic minorities in every province, of having a language and culture that are not solely anglophone but also francophone. This phenomenon is due in large part to immersion programs. Once these people have that awareness, they spread it to their family members. That is really positive, but the fact is that immersion schools are for anglophones, not francophones. Immersion is a tool that enables anglophones to develop an understanding of the Canadian reality and the francophone reality across Canada. Francophone students should not be enrolled in immersion schools. Kids in immersion live on the boat. Parents who put their kids in immersion school are putting them on the boat.

I would like to raise another important fact that people may not be aware of. Graduates of French-language schools in places like Ontario and New Brunswick who then go on to pursue master's and doctorate degrees at Cambridge or Harvard obviously do that work only in English. Students at those schools are the very best. I can name francophones who have risen to the very top at big universities around the world. Those francophones learned English at French-language schools. Graduates of French-language schools master English just as well as anglophone graduates of English-language schools. It is important to remember that, spread the word, and encourage each other.

Francophone parents, rights-holders, are a huge liability. Kids are not the ones deciding. We have to do everything we can to make sure that francophone parents decide to put their children in the water rather than on the boat so they can swim as their ancestors did for

generations. By learning to swim, children can access one of the most amazing experiences: knowing their language and culture.

●(0900)

In conclusion, let me say that it's now or never. As someone said to me this morning, the wolf is at the door in Ontario and New Brunswick, and maybe in other provinces too. We cannot back down. Our institutions, such as the Université de l'Ontario français and the role the French Language Services Commissioner should be playing, must be preserved. They are essential.

I would like to read a short excerpt from the decision on the Montfort Hospital. I'm going to read this because people need to understand that the constitutional grounds for saving the Montfort Hospital had nothing to do with its being a hospital. Here is a quote from paragraph 71 of the Court of Appeal for Ontario's decision:

Apart from fulfilling the additional practical function of medical training, Montfort's larger institutional role [or that of the Université de l'Ontario français or the French Language Services Commissioner or any of our institutions] includes maintaining the French language, transmitting Francophone culture, and fostering solidarity in the Franco-Ontarian minority.

That is what an institution is supposed to do.

Every province has institutions like these, and we need to do everything in our power to protect them so we can accomplish our main goal, which is to send the message as often as possible to as many members of the linguistic minority as possible that our constant efforts to preserve our language and culture are worthwhile.

Thank you for this opportunity to speak to you. I'm ready to answer your questions.

**The Chair:** Thank you very much, Mr. Caza.

We will start questions and comments right away with Steven Blaney.

**Hon. Steven Blaney (Bellechasse—Les Etchemins—Lévis, CPC):** Thank you very much, Mr. Chair.

Mr. Caza, welcome to the committee.

Thank you for sharing your insight with us this morning and for your testimony.

Would you mind rereading the paragraph you just quoted, please? It was dense, and I would like to hear it again.

**Mr. Ronald F. Caza:** Certainly.

Apart from fulfilling the additional practical function of medical training, Montfort's [and any other institution's] larger institutional role includes maintaining the French language, transmitting francophone culture, and fostering solidarity in the Franco-Ontarian minority.

**Hon. Steven Blaney:** So, "...maintaining the French language, transmitting culture...".

**Mr. Ronald F. Caza:** "...transmitting francophone culture...".

**Hon. Steven Blaney:** What was the third thing?

**Mr. Ronald F. Caza:** It was "...fostering solidarity within the minority..."

**Hon. Steven Blaney:** Okay.

If I understand correctly, Mr. Caza, those functions apply to the French Language Services Commissioner and the Université de l'Ontario français as well?

**Mr. Ronald F. Caza:** Yes, those functions are present in all vital institutions that exist across the country in places like Chelmsford, Hearst and Moncton, everywhere that people have their institutions, such as hospitals or any other kind of institution. When we look at why those institutions were created, the most important role they play in our communities is the role the Court of Appeal detailed in its description of the Montfort Hospital.

**Hon. Steven Blaney:** Excellent. Thank you.

I also want to thank you for reminding us about the effort that francophones in minority communities have to make. I myself am a Quebecker, but every day, as you said, they have to swim—sometimes upstream, it seems—and those of us who enjoy the relative ease of living in Quebec forget that, for our minority compatriots, institutions are important.

As you know, we are conducting a special study of what happened in Ontario. Of course we believe that federal and provincial governments have a duty to promote institutions. That is the crisis we have been going through in recent weeks.

You were a key player on the Montfort file. Can this kind of thing trigger a positive reaction in the community, a kind of electric shock? It all started with Denise Bombardier on *Tout le monde en parle*, who said that there was no hope outside Quebec. That is what she said, but it was practically a shot across the bow.

This morning you talked about taking responsibility. We agree that governments have a role to play, and we stand with Franco-Ontarians on this. However, you were there for the Montfort saga. Do you think recent events will bring out a sense of pride in young people and maybe a sense of responsibility?

Do you think this has mobilized people? This morning I was reading the press clippings, and there has been phenomenal mobilization, and not just in Ontario. There were demonstrations in Quebec and other places in Canada too.

Would you comment on that Mr. Caza?

• (0905)

**Mr. Ronald F. Caza:** Mr. Blaney, you're absolutely right, and the Montfort Hospital may be the best example of that.

Montfort was a small university hospital. At the time, when Mike Harris's Conservative government decided essentially to close the hospital, there was tremendous mobilization. Now, in 2018, we have one of the best university hospitals in the world, it has doubled in size, and it now has all kinds of specialists it didn't have at the time. It has a lot more short term care beds, and it has also become a research centre, which is phenomenal. I am sure none of that would have happened and the Montfort Hospital would have carried on the same as it was before if Mike Harris's Conservative government

hadn't attacked it. In retrospect, it proves once again that when we are under attack, we emerge even stronger.

The current situation presents a somewhat different challenge, however, because the community was not expecting this kind of attack. The ruling in *Montfort* was so clear that it is obvious the government should never have sent this kind of message. The community fought in the past, for sure, but it did so only when it had to. Also, there has been no other big battle since the Montfort Hospital. The current situation is the first attack in a long time. What I think we need to do is get back out there and hit hard to ensure that this threat does not spread to other provinces.

We are a minority, and that means we need protection. We have learned from the past that, ultimately, we must look to the courts for protection, especially the Supreme Court of Canada, whose mandate is to protect minorities. However, until such time as our rights are affirmed, our minority might suffer serious harm. We have to prevent that harm and do everything in our power now to preserve our institutions without resorting to the courts.

**The Chair:** Thank you very much, Mr. Caza.

**Mr. Ronald F. Caza:** Thank you, Mr. Chair.

**The Chair:** We'll move on to Mr. Arseneault.

**Mr. René Arseneault (Madawaska—Restigouche, Lib.):** Thank you for answering our questions, Mr. Caza.

I would like to look at another issue, Bill C-57, which was passed by the Legislative Assembly of Ontario last week. Can you give us a 30-second summary of what it means for the future of the Université de l'Ontario français in Toronto?

**Mr. Ronald F. Caza:** The Ontario government announced that it would not fund the university despite the fact that it already exists and that so much work has been done, as its rector told you. For all practical purposes, the government's decision spells the end of the Université de l'Ontario français.

This situation is an example of the irreparable harm I was talking about. Based on the roadmap detailing everything it needed to do in preparation for opening its doors in 2020, the university was on track. If it does not open its doors in 2020 as planned, many young Ontario francophones who are now in Grade 11 and who were planning to go study at the Université de l'Ontario français will have to go to either bilingual or anglophone universities. The painfully clear message they will all be getting is that it may not be worth continuing to work so hard to live their lives in French.

• (0910)

**Mr. René Arseneault:** Right. I am an Acadian from New Brunswick, and I completed all my law studies at the Université de Moncton, which is small but has an immeasurable impact on Acadians. In Ontario's case, it is unbelievable that 650,000 francophones do not have a university of their own in this huge province, one of the richest in the country. It is unbelievable and, if you ask me, shameful.

As a constitutional expert accustomed to these major legal battles, what do you see as the most likely legal avenues in this case?

**Mr. Ronald F. Caza:** Thank you, Mr. Arseneault.

Let me just point out that I am not a constitutional expert. I work with a lot of them, but, as a lawyer, I handle litigation. Nevertheless, I have had the opportunity to argue some major constitutional cases.

I would like to say a few words about the Université de Moncton. Yesterday, I was talking to Rodrigue Landry. In the early 1960s, when the Université de Moncton was just being set up, an important decision had to be made. The premier at the time wanted the university to be bilingual. Other community leaders wanted it to be French. At the time, making the university bilingual wouldn't have been a problem because the francophone community wasn't as vulnerable as it is today. Laurentian University in Sudbury and the University of Ottawa were set up as francophone universities initially but became bilingual institutions later on. When they became bilingual, that was fine because francophones weren't vulnerable. The church was strong and played an important role, and families were strong too. Francophones had the support of a social system that enabled them to maintain their language and culture, but that is no longer the case.

There are several constitutional arguments, but the main one is the gift we received from the Supreme Court of Canada in the Quebec secession reference. According to the rules set out in that decision, if a province decides to separate from the country or wants to do so, we have to look at the contract. If a party wants to end the contract, the terms of that contract have to be clear. We looked at the Constitution. The Supreme Court said that some elements are not written into the contract, but are part of it anyway. These are the responsibilities governments took on when they signed the Constitution in 1867. One of the implicit clauses was the obligation to preserve and promote linguistic minorities. That implicit constitutional obligation is part of the Constitution.

The Supreme Court went further still, saying that linguistic minorities in every province need institutions to survive. That is part of the Supreme Court of Canada's decision. If we consider the decisions that have been made, amendments to laws, and everything a particular government is doing, we can tell that government that a contract binds it to those obligations, that everything it does has to respect that, that it's in the Constitution, that one of those obligations is to respect and promote the linguistic minority, and that failing to respect that obligation in a given undertaking is a violation of the contract that was signed when this country was formed. That clause is essential.

**Mr. René Arseneault:** These kinds of legal battles always involve a lengthy process and usually wind up before the Supreme Court. How long do you think it will take for a decision to come down or for the Ontario Court of Appeal to support you?

**Mr. Ronald F. Caza:** I'm hoping that, as a result of the committee's recommendations, we won't have to go through the courts and that the situation will be resolved. That's the first step.

As for timelines, it depends how long it takes before the community suffers any irreparable harm. As soon as it begins to feel any irreparable harm, we'll have to take legal action.

**Mr. René Arseneault:** Mr. Caza, although the decision is within the purview of the Government of Ontario, I'd like to know how the federal government could help you in the fight to build the French-language university.

**Mr. Ronald F. Caza:** The federal government holds the key, given that the solution is a financial one. The only reason given by Premier Ford was money. The federal government could contribute funding, which would then remove this argument or this concern, so the university could then be established.

**The Chair:** Thank you very much.

We'll now go to Mr. Choquette.

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

Thank you, Mr. Caza, for being here today. Your presentation very eloquently described the daily struggles minority communities face in order to preserve and promote their language, their culture and their identity. That's extremely important.

You talked briefly about the federal government's role and that of the committee. Over the past three weeks, we have been wondering exactly what we can do and what role we can play. Based on the information we have, everyone seems to be passing the buck. Ms. Mulroney says that Ms. Joly was never clear about funding for the Université de l'Ontario français, while Ms. Joly says that funding cannot be provided if no official request is made. It's a bit of a vicious circle and we're not getting anywhere. For their part, AFO representatives have said they need leadership from the federal government.

What would federal leadership look like?

• (0915)

**Mr. Ronald F. Caza:** To illustrate how the federal government could show some leadership, I will use the example of the Premier of Quebec, who harshly criticized Premier Ford's decision to make changes to the Office of the Commissioner and to scrap plans to build the Université de l'Ontario français. He has said publicly that he did not understand how anyone could do that or justify that.

This sends Franco-Ontarians a clear message that continuing the fight to preserve their language and their culture is worthwhile, and the person sending it was the Premier of Quebec.

I think it's important that the federal government, the Prime Minister and ministers speak publicly about how critical it is to preserve linguistic minorities in all provinces. They shouldn't hold back. We must not be afraid to point out when a group that is very much in the minority is becoming even smaller. It might be hard for some to accept Canada's unique reality: we are a country with two languages and two cultures, and they both must be able to exist throughout Canada. That needs to be made very clear.

Speaking out on this, loud and clear, can do two things. First, it encourages members of the majority to realize that they do indeed need to become more engaged and take the necessary action. I'm talking a lot about the current situation in Ontario because I want to make sure our government does the right thing.

Second, it could also send the strongest possible message to members of the linguistic minority, telling them that continuing their efforts is worthwhile.

**Mr. François Choquette:** With respect to the current crisis, when the Commissioner of Official Languages, Raymond Th  berge, appeared before the committee, he gave several examples of how official language rights have experienced some setbacks in Canada. He talked about New Brunswick, for example, and what is happening there, as well as other provinces, particularly Saskatchewan.

There was a first ministers' meeting last Thursday and Friday. We were expecting the importance of official languages to be on the agenda, but unfortunately, it wasn't. I understand that all kinds of topics are discussed on the sidelines, but the topic was not included on the official agenda.

What do we need? Should the Prime Minister call a first ministers' meeting specifically to discuss this very topic to take stock of the situation?

Groups in a minority situation can't afford to lose any ground. As you said, we always need to move forward. We can't simply tread water; we need to continue swimming, and never stop, which is very tiring.

We have noticed the setbacks. What should our demands be in order to ensure that the situation is resolved? Should we not be calling for more leadership? Of course the situation in Ontario is extremely serious, but there are other similar situations in Canada.

How can we define leadership at the federal level in Canada?

**Mr. Ronald F. Caza:** Mr. Choquette, I believe the FCFA has also made similar demands. Its members have emphasized that this could be a good way to send a message to all Canadians. Convening a meeting of the first ministers of all the provinces to discuss this topic could really emphasize the importance of the language issue, which is every bit as important as economic concerns.

I would even go as far as to say that it's more important than economic concerns, and here's why. Even an economic argument cannot be used to override existing constitutional obligations in the area of linguistic rights.

I must say that we have an opportunity right now that appeared just recently. Let me explain. The Quebec premier has publicly stated that he agrees that the linguistic minority in that province must be looked after. I have argued many cases of a constitutional nature before the Supreme Court of Canada and I can tell you that Quebec's actions are not always straightforward. For instance, rather than supporting linguistic minorities, it actually acts against the position of linguistic minorities. Why? Because it's afraid of setting a precedent that could be used by anglophones in Quebec.

I did once represent the English-speaking minority in Quebec on a case before the Supreme Court of Canada. In reality, that political concern doesn't really have any bearing here. As we saw from the episode of *Tout le monde en parle*, there is a strong desire to support the Franco-Ontarian minority. Maybe it's because there is a certain awareness on the part of Quebecers, who may be thinking that we're all members of the same extended family, and we need their help right now.

One of the ways Quebecers can help us is by taking part in the debate and saying they think it's important to be concerned about

what happens to Franco-Ontarians. Instead of focusing their efforts on making sure the anglophone linguistic minority doesn't cause them too many problems, they should be joining with us to ensure that all francophone minorities, in all provinces, are respected.

We have an opportunity to take action here. This might be the best time to bring all the premiers together to discuss the matter. It should be done sooner rather than later, so that everyone is on the right track. We can't wait for more unfortunate decisions to be made. Two unfortunate decisions have been made in Ontario, and we need to make sure that doesn't happen in any other provinces.

• (0920)

**The Chair:** Thank you very much.

Ms. Fortier, go ahead.

**Mrs. Mona Fortier (Ottawa—Vanier, Lib.):** Thank you very much, Mr. Chair.

Mr. Caza, thank you for being here today and clarifying a number of things for us.

I would like to share something with my colleagues. In a stroke of genius, last weekend the Franco-Ontarian artist M  lissa Ouimet released a song called "Personne ne pourra m'arr  ter" or "No one can stop me", which she performs with other francophone artists. It's a bit like synchronized swimming. The song illustrates exactly how minority communities can never give up. I encourage everyone to watch the video, which is extremely moving for anyone living this reality every day.

We are still in shock, but now we are starting to take action. I know that Minister Joly had an opportunity to see Premier Ford at the first ministers' meeting last week. Our government has reached out to the Premier of Ontario, and we are ready to work with him to provide funding for the Universit   de l'Ontario fran  ais. Mr. Caza, do you think the Ford government will respond to our invitation and be open to dialogue?

**Mr. Ronald F. Caza:** Thank you for your question, Ms. Fortier. You have been at the helm of nearly all the battles fought by the Franco-Ontarian community.

I would say the federal government has spoken out from the beginning of this crisis, from the day the Ford government announced this on Thursday, November 15. It has sent a clear message that it will not hesitate to contribute to this fight. Obviously, from a legal standpoint—and I use the word "legal" advisedly—the federal government must be ready for anything, but it cannot interfere. It therefore has to wait for the Ford government to reach out. My challenge for you is to find a political way for the Ford government to do the right thing without losing face.

If this ends up going to court, our objective is not to make the Ontario government lose face. When the initial decision was made, Premier Ford and Minister Mulroney did not intend to cause irreparable harm to the linguistic minority. They may not have anticipated the potential harm when they made the decision, but now they're aware of it, now they're familiar with the reality, and no one can deny the direct result of their decision.

There's nothing wrong with now saying that corrective action must be taken. As for the office of the commissioner, follow-up is needed. As for the Université de l'Ontario français, however, we need to take action as soon as possible, because every day counts. The president, Mr. Labrie, appeared here to explain what his game plan is for the days to come. We need to encourage the Prime Minister to join the discussion to come up with a solution.

• (0925)

**Mrs. Mona Fortier:** It's sad that we have to go to battle once again to protect our gains. It's really problematic. As we build things up, we are suddenly being forced to back down, against our will. What could the federal government do to put up a resistance to this kind of reaction on the part of the provinces? Is there a way to protect our gains by modernizing the Official Languages Act, or is there another way?

**Mr. Ronald F. Caza:** The answer is yes, but I must be careful.

In my opinion, as a lawyer, that obligation already exists in the Official Languages Act, in part VII, which could actually be improved and clarified. However, Ontario has the French Language Services Act, which, in practical terms, imposes the same obligations on the provincial government as part VII imposes on the federal government. In these circumstances, however, the provisions should be as clear as possible to avoid the possibility of challenges to those obligations.

It's important to understand why we have the French Language Services Act and why the Official Languages Act is so important. This legislation is not really necessary when a government believes in the importance of official languages. It becomes necessary when a government doesn't see official languages as all that important or as a priority, and doesn't believe they deserve to be treated differently than other languages. That is when we need these protections. Previous Ontario governments passed the French Language Services Act so that we could fall back on it today.

**Mrs. Mona Fortier:** Thank you very much, Mr. Caza.

**The Chair:** Thank you very much.

We'll now continue with Darrell Samson.

**Mr. Darrell Samson (Sackville—Preston—Chezzetcook, Lib.):** My preamble is usually about four minutes long.

Mr. Caza, I don't know where to begin. I have 50 questions.

The first comment I want to make is that we need to speak one-on-one, because I like you already, even though I hardly know you.

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

**Mr. Darrell Samson:** I found your description of life in a minority community very moving, from beginning to end. I grew up in that setting, I know it well, and I contributed to it.

First of all, I really liked the analogy you used, comparing the fight for linguistic rights to swimming. I noticed that my colleagues around the table, especially those who live in a majority setting, seemed to really appreciate that.

For 15 years now, every time I give a speech, I always say that living in a minority community means going to bed later and getting

up earlier. It is necessary for survival, and it fits in well with your swimming analogy, which, I repeat, is very interesting.

I also often say that when times are tough economically, it becomes even more obvious when those in power lack leadership. Here's a good illustration: when there's less water in the lake, the animals around the lake look at each other differently.

That is very, very important.

We could spend hours talking about this, but I'll begin with a quick example.

St. Francis Xavier University has a very good reputation. It was founded on Isle Madame and, from the first year, classes were originally in French. It was moved to Antigonish and is now an English-speaking institution.

Last week marked the 50th anniversary of saving Université Sainte-Anne in Nova Scotia, a francophone university that was supposed to be moved to Yarmouth, an English-speaking city. People fought relentlessly to save the university. It remains an outstanding French-language university today.

Of course, as you mentioned, we have the Université de Moncton, which could have been a bilingual university, which is what some people wanted. Thanks to people who never stopped swimming, that didn't happen. This is also extremely important.

Alain Dupuis, from the FCFA, was here a few weeks ago and his comments also really moved me. He said that in Quebec, everything is done to protect institutions. In minority situations, however, it's the institutions that protect minorities. That is very powerful.

This leads me to my questions. As I said, I could talk about this for quite some time.

I have three questions for you, which I will ask one after the other, but you can answer them as you wish.

My colleagues from Quebec might appreciate this. I wonder if you could talk briefly about the people of Quebec City compared to the francophone minority in Ontario.

I wonder if you could also talk a little bit about provincial responsibilities. Once again, the lack of leadership is more obvious when we hear that the federal government can't intervene because this is a provincial jurisdiction. I have a problem with that when it's a question of the two founding nations, as you mentioned.

I have so many questions, but I'll try to stop there.

• (0930)

**The Chair:** Mr. Samson, we need to allow the witness time to respond.

**Mr. Darrell Samson:** Yes, yes, Mr. Chair.

Mr. Caza, you could also touch on another aspect of this, specifically, what the Minister of Immigration did for francophones outside Quebec. A group of francophones is working to attract immigrants, another group of francophones welcomes them, and a third group gives them information on French-language education in their communities.



Could you expand a little on that for us, please?

**Mr. Ronald F. Caza:** Thank you very much.

I mentioned the University of Ottawa and Laurentian University in Sudbury. Obviously, those institutions are primarily English-speaking, but still, they have done a lot for the francophone community.

For instance, loads and loads of people have been trained through programs offered at those institutions. One of the greatest achievements of any university is shaping future leaders.

Consider, for example, the one in Moncton. Almost all the leaders in the francophone community are graduates of the Université de Moncton. The same goes for nearly every university. Our future leaders must absolutely get their education in francophone institutions. That is important.

When I was invited to appear on *Tout le monde en parle*, I saw it as a unique opportunity to convey a message to our brothers and sisters in Quebec. I was reminded of when Denise Bombardier said that there were hardly any Franco-Ontarians left or any Métis, I believe, in Manitoba or anywhere else in the country.

One of the things I pointed out was that there are more Franco-Ontarians, francophones in Ontario, than the entire population of Quebec City. I just wanted to put things in perspective.

Many people were really surprised to hear that. That is the reality. The number of francophones in Ontario is greater than the number of people living in the capital of Quebec, which is the second largest city in the province in terms of population.

As for provincial responsibilities, when I am in court, we argue about legal, provincial and federal responsibilities, but politically speaking, it's more of a moral responsibility.

When a province causes irreparable harm to the linguistic minority, all Canadians are harmed. That is the reality. To say that this can't be done, that it's unacceptable and that it must stop is a moral responsibility. It's important to discuss what the province is going to do to prevent that from happening. That is basically the essence of the responsibility. What is happening in Ontario affects individuals in every part of the country. If decisions made by the provincial government lead to assimilation, then all Canadians are assimilated, and not just Franco-Ontarians.

The worst is yet to come. It's therefore important that intervention happens now. What you mentioned regarding immigration is exactly what needs to be done. It's important to explain to newcomers who arrive with their families that they can live a full life, grow, be happy and offer the very best to their children, all in French. This can happen in Quebec, but also elsewhere throughout the country.

**The Chair:** Thank you very much.

Go ahead, Mr. Clarke.

**Mr. Alupa Clarke (Beauport—Limoilou, CPC):** Thank you, Mr. Chair.

Mr. Caza, I want to continue exploring the issue of moral responsibility at the political level. I completely agree with what you said on that. Getting back to the metaphor you used, I think the

Standing Committee on Official Languages can serve as a bit of a lighthouse, or at least I hope it can, for official language minority communities all across the country. The ultimate goal of the study we have urgently undertaken is to toss them a lifeline. That's why I'd really like you to talk about the intentions and directives you would like to be included in the report, and please be as specific as you possibly can. We will be sending it to the federal government, and that is where our power lies.

What would you like to see in the report, Mr. Caza?

• (0935)

**Mr. Ronald F. Caza:** Mr. Clarke, you are quite right when you say that you invited all these stakeholders to give their opinion on the matter in order to explain their reality to other people. You made it clear to everyone, to literally all Franco-Ontarians and people outside the province, that what they're doing is important, and it's worth it to continue the fight. That is what the committee is doing, particularly by doing this study. That is the message you are sending to all linguistic minorities. That's clear.

As for the contents of the report, I think the first thing to emphasize is how urgent the situation is, that it's a question of irreparable harm and that institutions will be lost. Let's not kid ourselves. Considerable efforts have been made to get the Université de l'Ontario français off the ground. If its opening, which was supposed to be in 2020, is delayed by two or three years, there will be no university. The individuals who have already worked so hard and the people who were about to be hired as teachers will no longer be available.

One of the extraordinary aspects of the Montfort Hospital file is that the agreement reached with the Harris government specified that the hospital would remain untouched until the legal system had determined the scope of the government's responsibilities.

**Mr. Alupa Clarke:** That's interesting.

**Mr. Ronald F. Caza:** That is how we were able to retain our doctors, nurses and specialists at the Montfort. The board and Gérard Savoie had their work cut out for them, but at least we had that protection.

As far as the university is concerned, the government could tell us today to keep moving forward as planned, to go through with the first year's activities while the case is before the courts. Then, in due course, the University would look at where to go from there if it won its case in court. That would prevent all sorts of problems since the current plan to scrap the university would be stopped in its tracks. It's important to remember that this is an urgent situation.

Secondly, it is important to understand that we have a legal and moral duty to do everything we can to stop this from happening. This project cancellation must not go through.

Thirdly, and perhaps most importantly, this initiative has to be perceived in a positive light. The existence of our linguistic minorities is good news for Canada. The main reason we want Canada to remain bilingual is the tremendous benefit these linguistic minorities represent across Canada. It is an extraordinary example for humanity and all the other countries around the world. People would see that we are capable of respecting our linguistic minorities in a positive manner, which benefits everyone and that we were not just doing this out of obligation to the Constitution, for example.

When we won our case in the Ontario Court of Appeal, Mike Harris and his Conservative government did not appeal to the Supreme Court of Canada. They accepted the ruling. In fact, they accepted not only the letter, but also the spirit of the ruling. Someone who does not respect the spirit of a ruling or such and such an order will continue to drag the case through the courts. What we need to realize is that respecting linguistic minorities is good for all of us and that this reality can continue to exist in Canada.

**The Chair:** Thank you very much.

Ms. Lambropoulos, you have the floor.

**Ms. Emmanuella Lambropoulos (Saint-Laurent, Lib.):** Hello, Mr. Caza. Thank you for being here with us today.

I really enjoyed your introduction in which you talked about what it means to live in a language minority situation. I am a Quebecker, but I am an anglophone. I relate to what you are saying when you say that linguistic minorities are forever having to make the effort to protect their language and culture in provinces where the majority speaks the other language. I would like to know what that effort looks like when a government doesn't allow you to live in your language and have the same opportunities as others?

● (0940)

**Mr. Ronald F. Caza:** Thank you very much, Ms. Lambropoulos.

As I mentioned, in two major cases brought before the Supreme Court of Canada, I represented the anglophone minority, which was facing important challenges similar to those that francophone minorities were facing elsewhere in the country. In these cases, the Attorney General of Quebec was the opposing party. He told me that they liked when I defended francophone minorities outside Quebec, but were less enamoured with the idea of me representing Quebec's anglophone minority. I told him that everything the Government of Quebec was doing to the anglophone minority gave all the other governments permission to do the same thing to francophone minorities.

The most vulnerable in all this are young people. There are varying degrees of commitment by members of a linguistic minority. On one end there are those who would rather die than give up their language and culture. That is the case of Mr. Samson and others. On the other end, there are those who, in response to being asked in a store "I don't speak French. Why do you speak French to me?", when they were speaking French, will stop making the effort, get on board, and that is where it ends. We are taking care of those on that end of the spectrum. We make all our decisions with a view to protecting the most vulnerable and those who are just about ready to give up.

That is why it is so important to fight decisions like the ones to cancel the university project and cut an essential part of the Commissioner's mandate. All our decisions seek to protect the most vulnerable. We are fighting for them. We are taking this to court for them. Unfortunately, most of these people are young and do not fully appreciate what it will take to preserve their language and culture.

The good thing is that most of these young people learned about the Montfort Hospital case in school. That case is part of the curriculum for all linguistic minorities in Canada. They study the Montfort case and why it was brought before the courts, what the courts ruled and why it is important to keep up the fight. They are the ones we are fighting for.

I will tell you why this decision to end the university project is so hard to accept. A university like that would allow young people, who are more vulnerable, to do their university studies in French after completing their secondary school program. Of course there are excellent francophone colleges, but there would have also been a francophone university option.

**Ms. Emmanuella Lambropoulos:** Thank you very much.

The Ford government made these decisions in Ontario.

[*English*]

It's almost like they're striking the French community by removing funding for the university and removing the official languages commissioner.

Now that Quebec is actually taking a stand for the francophone minorities across Canada, what do you think should happen in Quebec with regard to the anglophone minority? Do you see them changing their perspective? What do you think anglophones in Quebec could do to gain back some of that power and to actually have their rights respected?

**Mr. Ronald F. Caza:** When you're an anglophone in Quebec, there's not much of a chance that you're going to get assimilated. Chances are, you're going to move away. You're going to want to live elsewhere. That's the option you have, if you want to exercise it. That's what we have to avoid. That's what we've seen as the consequence of making it very difficult. There has been, finally, a migration away, and that has weakened every linguistic minority across the country.

When you're looking at what can be done by the anglophone minority, I have to tell you that they need to ensure they continue to do what they've been doing so far, which is to build institutions that are recognized worldwide. One way of reaching out that could be done by the anglophone community is probably to reach out to the francophone minority now, in order to work with them to ensure being successful and maybe teach them how to build, for example, a university that becomes a world leader even though they are a linguistic minority in that province.

● (0945)

[*Translation*]

**Ms. Emmanuella Lambropoulos:** Thank you.

**The Chair:** Thank you very much, Ms. Lambropoulos.

We will now move on to Mr. Généreux, who has two minutes.

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

Thank you for being here with us, Mr. Caza, and for your remarks. I had quite a few questions I wanted to ask you, but instead I will move a motion.

If you allow it, Mr. Chair, I would like us to study the motion now.

I move:

That the Committee invite the Deputy Minister for Tourism, Official Languages and La Francophonie and the Deputy Minister for Training, Colleges and Universities of Ontario to appear before the Committee to provide an update on the situation of the Université de l'Ontario français.

I would like us to discuss this motion and adopt it unanimously so that we can meet these witnesses as soon as possible before tabling our final report.

When I was the mayor of La Pocatière, the RCM wanted to open recycling depots, but told us that they didn't have the money for that. However, the town of La Pocatière did have the means. We told the people of the RCM that we would provide funding and they could reimburse us later.

Could this type of arrangement be made between the federal and provincial governments? Could the federal government flat out offer Mr. Ford \$84 million to fully fund the Université de l'Ontario français with the understanding that the province would repay that money later? The only thing the province would have to do is pay back the federal government once it had the money.

Would that be feasible?

**Mr. Ronald F. Caza:** What would be feasible and perhaps easier is to set an annual amount of \$10 million. An agreement could be established whereby the federal government commits to contributing half the funding for the first four years. That would mean that during the first four years, the provincial government would not have to disburse anything.

**Mr. Bernard Généreux:** Does the province really have to ask the federal government to do that? Could the federal government not deal with the university directly?

**Mr. Ronald F. Caza:** That question hasn't come up yet. We would have to see whether that is feasible. I haven't done any legal analysis on that, but based on my general knowledge of constitutional principles and the law that applies, I would say that if a request were submitted to the federal government arguing that this institution is essential, and the provincial government decided to refuse the money offered, that decision would be inconsistent with the province's constitutional obligations. I do not see how the province could justify refusing such an advance on funding, summarily or theoretically. Today, the province is arguing that it doesn't want to spend the money, but in this case that argument wouldn't be valid. The decision would consist in determining an arrangement for the next four years, but that decision could be deferred.

**The Chair:** Thank you very much, Mr. Caza.

Mr. Généreux, you moved a motion. I find it to be in order in this context.

You are free to go, Mr. Caza. Thank you very much for your presentation and your contribution to the work of the committee. I

believe I speak on behalf of all my colleagues when I say congratulations on everything you do for the francophonie.

We will break for a few minutes and then continue the discussion amongst committee members.

Mr. Généreux, you have a question?

**Mr. Bernard Généreux:** Could I ask Mr. Caza one last question? I would like to clarify something.

**The Chair:** Yes.

**Mr. Bernard Généreux:** Mr. Caza, let me ask the question very directly.

At this time, can the federal government deal directly with the Université de l'Ontario français without going through the province?

**Mr. Ronald F. Caza:** I think the answer is no, but I can check and get back to you later. If the provincial government refused to meet its constitutional obligations and also refused an offer for funding from the federal government, then a court order might be needed to force the provincial government to accept the situation.

**Mr. Bernard Généreux:** Thank you.

**The Chair:** Thank you very much, Mr. Caza. We will now suspend the meeting for a few minutes.

● (0945)

(Pause)

● (0955)

**The Chair:** We will resume the meeting, which is now public.

The motion was moved when the meeting was public. I propose that we discuss it now and then move in camera to discuss the work of the committee. Do we have agreement? Yes.

I will read the motion that I have before me:

That the Committee invite the Deputy Minister for Tourism, Official Languages and La Francophonie and the Deputy Minister for Training, Colleges and Universities of Ontario to appear before the Committee to provide an update on the situation of the Université de l'Ontario français.

We will now debate this motion.

Mr. Samson, you have the floor.

**Mr. Darrell Samson:** I see no problem with the motion. This is a battle with Ontario, but I think the minister, the deputy minister here... I agree with the motion.

**The Chair:** Mr. Arseneault?

**Mr. René Arseneault:** Mr. Généreux what information are you hoping to get from the Deputy Minister for Tourism, Official Languages and La Francophonie? The federal government commitment is up to 50%. You heard Mr. Caza earlier. What information do you want to get for us?

**Mr. Bernard Généreux:** This is a public meeting and Mr. Caza's response might have an impact on the federal government's offer to the province. If the province rejected that offer, the lawyers could seek an injunction. Essentially, there needs to be pressure. These deputy ministers may have information that we do not have. They deal with these files every day. Unlike us who meet here once or twice a week, they have been talking about this file for three weeks. I think they would have some particularly relevant information to share with us.

We heard what Mr. Caza just said. Obviously, we don't want to end up in court in five years. Your minister publicly said that she was prepared to fund the university for the first four years, so where is her offer?

We just learned that if the federal government offered to fund the university for the first four years, the province would be forced to make a decision and if it rejected the offer, an injunction would have to be sought because this would be unconstitutional. The province would have no choice but to accept the offer.

Mr. Caza's intervention is very important. He just informed us that notwithstanding the university and its funding, we are touching on what is at the heart of the vitality of linguistic minority communities in Canada and that is much bigger than the \$80 million needed for the university project.

The Ontario government's decision goes beyond the university project by far. I sincerely think that our report or our recommendations have to state that the Ontario government has no choice but to fund this project. A constitutionalist, an experienced lawyer, just told us exactly what to do. If we are not inviting these stakeholders to come here to tell us where things stand in the process and what they think, then I don't know what we're doing here.

• (1000)

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

Mrs. Fortier, you have the floor.

**Mrs. Mona Fortier:** Thank you very much, Mr. Chair.

I completely agree with this motion except that we should add two more people. I'm not sure how to go about it, but I think we should meet with the Deputy Minister Responsible for Francophone Affairs, Marie-Lison Fougère, who also plays a major role in the Université de l'Ontario français project.

The other person is Dyane Adam, head of the planning committee for the implementation of the future Université de l'Ontario français. She is in talks with the provincial government and would be in a better position to provide us with information on the financial requests.

I agree with inviting the proposed two deputy ministers, but we should also invite Ms. Fougère and Ms. Adam. Do we need to propose an amendment to the motion?

**The Chair:** Do we have agreement on the amendment?

Mr. Généreux, you have the floor.

**Mr. Bernard Généreux:** That's okay with me. I have a supplementary question. It seems that the House will be adjourning tomorrow evening. If that happens, could the committee sit on

Thursday anyway if we invited these witnesses to appear that day? This is urgent.

**The Chair:** I believe we are inviting them when Parliament resumes.

**Mr. Bernard Généreux:** In February?

**The Chair:** As soon as we return from adjournment for the end of the year holidays.

**Mr. Bernard Généreux:** That's in February, Mr. Chair.

I would remind you that the deadline for the university is January 15. That's when everyone will be shown the door if they haven't been already. We have to act fast.

We could try to convene tomorrow. Is there a way to reflect that in the report we are tabling? We could finalize the report remotely by teleconference. I think we have to act immediately. I know that Christmas is coming, but today is December 11 and we have eight days left.

**The Chair:** Let me go back a bit. We will now vote on the amendment. Does everyone agree on the amendment?

I see we have unanimous agreement.

(Amendment adopted)

Mr. Choquette, you have the floor.

**Mr. François Choquette:** I would like to support Mr. Généreux's proposal that we bring in these witnesses on Thursday, but that may be impossible. I believe it is worth a try, as Mr. Généreux says. This is a crisis, an unprecedented extreme situation. Such a situation calls for exceptional measures. Let's try to meet on Thursday if possible. I realize that such a short deadline is unrealistic, but if we don't try we'll never know.

**The Chair:** Okay.

**Mr. François Choquette:** I also agree with Mr. Généreux on the exceptional need to have a teleconference to speed up the process since time is against us. January 15 is fast approaching. I support Mr. Généreux's proposal to act as quickly as possible to advance this file. This is an extremely important issue that affects us. We have seen Canadians stand together over this across the country, including in Quebec. Let us also stand together and do whatever we can.

**The Chair:** Okay.

I understand that adding Thursday, December 13 constitutes an amendment.

**The Clerk of the Committee (Ms. Christine Holke):** Yes, we have to vote on that.

**The Chair:** Do we all agree on Thursday, December 13, if possible?

Mr. Samson, you have the floor.

**Mr. Darrell Samson:** I have no problem with us getting their testimony this evening or tomorrow, but I'm wondering what our objective is. What will we do after their testimony? Personally, I would prefer that we write a report, but that report will not be submitted before the end of January.

**Mr. Bernard Généreux:** Our analyst is in the process of drafting a report.

**Mr. Darrell Samson:** Is it a formal report?

**Mr. René Arseneault:** Yes, but it needs to be approved.

**Mr. Bernard Généreux:** Indeed. A special teleconference needs to be organized. She will send us a draft copy of the report by email. We will all read it and ask questions and then come up with our final report. In any case, most of the report will be on the witnesses' comments and suggestions. This will be included in the findings, where we will state what needs to be done in two or three recommendations. Our analyst is not preparing a 45-page report.

• (1005)

**Mr. Alupa Clarke:** Ideally this would be finished before Christmas.

**Mr. Bernard Généreux:** If we don't do this before Christmas, honourable colleagues, we will truly come across as people who aren't taking this matter seriously.

**Mr. René Arseneault:** Perhaps we could meet on Thursday.

**Mr. Bernard Généreux:** If anyone can't make it on Thursday, a replacement will be found.

**The Chair:** Let's be practical and realistic. We will definitely not be able to table our report before Parliament adjourns for the holidays this week.

Let's get back to the amendment that proposes December 13.

**Mr. Darrell Samson:** I wasn't finished. We could hold a special meeting in January and come back here for a day or two if necessary.

**Mr. Alupa Clarke:** Exactly, but it has to be before January 15.

**Mr. Darrell Samson:** I'm still open to that, but we have to have a strategy otherwise we might miss our mark.

**The Chair:** Okay.

Does Thursday, December 13, if possible, work for most people?

**Mr. Darrell Samson:** Not for me.

**The Chair:** Not for you?

**Mr. Darrell Samson:** I'm not available on Thursday.

**Mr. Bernard Généreux:** Mr. Chair, if I may—

**The Chair:** The question is on the date of December 13.

**Mr. Bernard Généreux:** This is not about who is available.

I would remind you that we are supposed to sit on Thursday since the House of Commons calendar goes until December 14. As it does every year, the House is adjourning a bit earlier, but in reality we would normally sit until Friday. I have no problem with our committee meeting on Thursday. Anyone who can't attend that meeting can find a replacement. It's no big deal.

**Mr. Alupa Clarke:** We'll hold the fort.

**The Chair:** Back to the amendment on Thursday morning's meeting.

If I may, I have before me an amendment that talks about "December 13, if possible". That is what I'm reading.

So it would be this Thursday morning as usual. I would ask the Clerk to see if there are any witnesses available to meet with us at that time.

Is that the approach we'll try to take?

**Mr. François Choquette:** Yes.

**The Chair:** Okay, the amendment is adopted in favour of meeting on Thursday morning, if possible.

Back to the main motion, which I have in hand.

Mr. Arseneault, you would like to intervene?

**Mr. René Arseneault:** Will we find out as soon as possible if this meeting is going through?

**The Chair:** The Clerk will certainly contact the people we mentioned and she will get back to us.

**Mr. René Arseneault:** Personally, I'm leaving rather early on Thursday morning because I have a 10-hour trip ahead of me, but I will be here. Nonetheless, I would like to know the night before.

**Mr. Darrell Samson:** If that doesn't work I can come back for a day in mid-January.

**The Chair:** I've just been informed by the clerk that she will see to it as soon as we're adjourned.

**Mr. René Arseneault:** Very well.

**The Chair:** Shall we hold the meeting even if just one person can attend?

**Mr. François Choquette:** Yes, we shall.

**Mr. Darrell Samson:** I object; it's important that they be heard. They need to be heard.

**Mr. René Arseneault:** Don't ask for the impossible.

**Mr. François Choquette:** Excuse me, Mr. Chair, but it is highly unlikely that all four witnesses will be available.

**Mr. Darrell Samson:** We would need three people, at least.

**Mr. François Choquette:** The motion as amended says four people. I believe that, if two of them can show up, that should be enough to hold the meeting. Having all four on the same day may be asking too much, but we should be able to go forward with two.

**The Chair:** Mr. Arseneault.

**Mr. René Arseneault:** Personally, Mr. Chair, I don't need to hear from Ms. Adam, because we already heard from university officials last week.

As regards Ontario's Deputy Minister of Francophone Affairs, I agree with Mr. Généreux that we need to hear what she has to say. We also need to hear from Ontario's Deputy Minister for Training, Colleges and Universities.

At a minimum, those two witnesses need to be here or it won't be worth it.

**The Chair:** Shall we agree that both of these witnesses need to be present?

**Mr. Bernard Généreux:** Ideally, yes.

**Mrs. Mona Fortier:** They would be provincial government officials.

**Mr. René Arseneault:** If the province of Ontario isn't represented, then you can forget about me being here on Thursday. There won't be a meeting as far as I'm concerned.

**Mrs. Mona Fortier:** That goes without saying.

**Mr. René Arseneault:** What I'm saying is that, if the Government of Ontario isn't represented, I won't be attending.

**The Chair:** We all agree on the need for both deputy ministers of the Government of Ontario to be present.

Is everyone agreed? Good.

Allow me to read the proposed motion anew:

That the Committee invite the Deputy Minister for Tourism, Official Languages and La Francophonie, the Deputy Minister for Training, Colleges and Universities of Ontario, the Deputy Minister of Francophone Affairs of Ontario, and Dyane Adam, Chair of the board of governors of the Université de l'Ontario français, to appear before the Committee to provide an update on the situation of the Université de l'Ontario français on Thursday, December 13, 2018, if possible.

Is that agreed?

● (1010)

**Mr. Bernard Généreux:** Incidentally, I would remind the clerk that we can all converse remotely by video conference. They won't need to come all the way here.

In any case, the only thing they will have to say is that, as far as Ontario's concerned, it's over, it's finished.

**The Chair:** Let's not speculate on what their answers will be.

**Mr. Bernard Généreux:** Either way, they won't need to come all the way here. That's what I want them to know.

**The Chair:** I believe we should keep discussing this in camera before voting on the motion.

Let's suspend for a few minutes.

*[Proceedings continue in camera]*

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