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Official Languages and Parliament

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(Background Paper)

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OFFICIAL LANGUAGES AND PARLIAMENT

1 INTRODUCTION

In Canada, a number of constitutional provisions concern the use of official languages in the legislative realm, thus recognizing the right of both official language communities to participate equally in the parliamentary process. These provisions stem from the collective history of Canadians, and their presence in the Constitution of Canada confirms the fundamental nature of those rights.

This paper provides a brief overview of the various aspects of the issue of official languages in the context of the Canadian Parliament by examining:

- the guarantees and obligations arising from the Constitution, including relevant provisions of the *Constitution Act, 1867*, and the *Canadian Charter of Rights and Freedoms*;
- the statutory provisions contained in the *Official Languages Act*;
- some of the specific aspects of parliamentary procedure as they relate to official languages;
- some official languages issues created by the use of new technologies; and
- the linguistic obligations to which officers of Parliament are subject.

2 CONSTITUTIONAL PROVISIONS

2.1 CONSTITUTION ACT, 1867

In the negotiations preceding Confederation in 1867, one of the proposed approaches was *optional* bilingualism in the activities of the future Parliament of Canada. French-Canadian members vigorously opposed this option, and their protests culminated in the passage of a resolution providing for the *mandatory* use of English and French in certain specific areas of parliamentary activity.¹ That resolution became section 133 of the *Constitution Act, 1867*, which reads as follows:

Either the English or the French Language may be used by any Person in the Debates of the Houses of the Parliament of Canada and of the Houses of the Legislature of Quebec; and both those Languages shall be used in the respective Records and Journals of those Houses; and either of those Languages may be used by any Person or in any Pleading or Process in or issuing from any Court of Canada established under this Act, and in or from all or any of the Courts of Quebec.

The Acts of the Parliament of Canada and of the Legislature of Quebec shall be printed and published in both those Languages.

This provision thus sets out three types of legislative guarantees:

- the right to use English and French in legislative debates;
- the use of English and French in the official records and journals of the houses of Parliament; and
- the use of English and French in printing and publishing Acts.

The purpose of section 133 is to grant “equal access for anglophones and francophones to the law in their language” and to guarantee “equal participation in the debates and proceedings of Parliament.”² Interpretation of section 133 must take that purpose into account. Without granting English and French official status, section 133 nevertheless confirms the bilingual character of the Parliament of Canada, which Senator Gérald A. Beaudoin has called the “embryo of official bilingualism.”³ Section 133 of the *Constitution Act, 1867* has been interpreted by the Supreme Court of Canada on various occasions, thus elucidating its scope. The following sections look at each of the components of section 133.

2.1.1 THE RIGHT TO USE ENGLISH OR FRENCH IN DEBATES

Section 133 expressly guarantees all parliamentarians the right to use English or French in parliamentary debates. As not all parliamentarians are bilingual, a system of simultaneous interpretation was introduced in the House of Commons in 1959 as a result of a motion by Prime Minister John Diefenbaker,⁴ thus enabling all members to express themselves in the official language of their choice and to be understood by all members of the House. Before that system was introduced, a parliamentarian speaking French was generally not understood by the anglophone majority, which had the effect of emptying the House of Commons of a large number of its members.⁵ In the Senate, simultaneous interpretation was inaugurated in 1961.

When the interpretation system was introduced, a small group of seven interpreters assumed responsibility for translating all debates.⁶ Since then, the Translation Bureau of Parliament has expanded to some 30 permanent interpreters, and regularly calls on another 20 freelance interpreters.

Because of a decision rendered by the Supreme Court of Canada in 1986 (*MacDonald v. City of Montreal*), it is not currently clear whether the right to use English or French in parliamentary debates also includes the constitutional right to simultaneous interpretation.⁷ In an incidental statement in the decision, Justice Jean Beetz said that the right to use English or French in parliamentary debates did not include the right to simultaneous interpretation. However, it is useful to note that the *MacDonald* decision is part of a case law trend advocating the restrictive interpretation of language rights, a trend now overruled by the decision in *R. v. Beaulac*,⁸ in which the Supreme Court redefined the rules for interpreting language rights. Section 133 and language rights in general must now be given a broad and liberal interpretation based on their objective.

In addition, it is apparent from Prime Minister Diefenbaker's remarks when the motion on the simultaneous interpretation system was passed that the system's introduction was clearly viewed as the recognition of a constitutional right:

I also believe this motion will provide belated recognition of the fact that under our constitution this basic right has been secured and will be maintained as part of our constitutional freedom, and will be regarded as unchangeable and unchanging. This view, I believe, is of the essence in the maintenance of unity within our country. After all, our very confederation came about as a consequence of the partnership between those of French and English origin. Because of that fact, everything we can do to ensure the preservation of those basic constitutional rights and the equality of those rights of language should be attained and implemented.⁹

Given the importance of ensuring respect for every person's right to use the official language of his or her choice and to be understood within an appropriate period of time, this practice, whether or not it enjoys constitutional protection, is now essential to the proper operation of Parliament.

2.1.2 RECORDS AND JOURNALS OF THE HOUSES OF PARLIAMENT

Section 133 provides that "records and journals" must be prepared in both official languages. This bilingualism obligation presupposes the simultaneous use of English and French in the publication of those parliamentary documents: "Both languages, and not one or the other, must be used in the records and journals."¹⁰ It is not enough to produce certain passages in English and others in French or to summarize them in the other official language. Documents must be available in full in both official languages.

What documents are subject to this obligation? First, the "records" of the houses, which include their Acts and bills.¹¹ Second, the "journals," which are the *Minutes of Proceedings* and *Journals* – the official minutes of the votes and proceedings of the houses.¹² Before 1976, the *Journals* were printed in separate English and French versions. Since the 2nd session of the 30th Parliament, they have been published in a two-column bilingual format.¹³

2.1.3 PRINTING AND PUBLISHING OF ACTS

Section 133 expressly provides that the Acts of Canada shall be printed and published in English and French. That is, it provides for legislative bilingualism. Does that obligation apply from the moment a bill is introduced until it receives Royal Assent? In other words, must bilingualism apply to the entire legislative process or only at the printing and publication stage?

As the text of section 133 is not explicit on this point, we must turn to the interpretation made by the courts in order to determine the scope of the provision. In *Blaikie v. Quebec (Attorney General)*, Chief Justice Jules Deschênes of the Superior Court of Quebec, whose findings were confirmed by the Supreme Court,¹⁴ held that the obligation to print and publish Acts in English and French necessarily included the obligation to use English and French simultaneously throughout the legislative process:

Now if the reasoning appears naïve, it remains none the less unassailable: how to print and publish in the two languages a law which has not been adopted and does only officially exist in one of the languages?¹⁵

Thus, for the English and French versions to be equally authoritative, they must be passed and assented to in both languages. Simply printing and publishing them in both languages is not sufficient to respect either the letter or the spirit of section 133.¹⁶

Section 133 concerns Acts, but also covers delegated legislation. In its 1981 decision in *Attorney General of Quebec v. Blaikie et al.*, the Supreme Court of Canada held that the obligation of bilingualism applied to regulatory enactments issued by the government, by a minister or by a group of ministers.¹⁷ Government regulations, to the extent they are subject to the approval of the government or of a minister, are similar to government measures and are thus subject to the obligation of bilingualism provided for in section 133.¹⁸

As for orders in council, the Supreme Court of Canada held in *Reference re Manitoba Language Rights* (1992) that the obligation of bilingualism also covers instruments of a “legislative nature.”¹⁹ To determine whether an order in council is of a legislative nature, the Court held that the form, content and effect of the instrument in question must be considered. These criteria do not operate cumulatively.²⁰ As regards form, the connection between the legislative instrument and the legislature must be examined. With respect to content, it must be determined whether the instrument embodies a rule of conduct. Lastly, as to effect, it must be determined whether the instrument has the force of law and whether it applies to an undetermined number of persons.

The Supreme Court also considered the issue of the application of the bilingualism rule in the case of documents incorporated by reference. For example, if a federal Act or regulation incorporates legislative standards from a provincial Act, must those legislative standards be available in both official languages? Using in the context of section 23 of the *Manitoba Act*, the Supreme Court established the test that must be applied:

Some documents are simply mentioned in legislative instruments; they need not be consulted before the operation of the instrument in question can be understood. Others are “incorporated by reference” in the sense that they *are an integral part of the primary instrument as if reproduced therein*. It is this latter type of incorporation that can be termed “true incorporation” and that potentially attracts translation obligations under s. 23.²¹ [Authors’ emphasis]

Thus, instruments that are an integral part of the Act or regulations must be available in both official languages.

2.2 CANADIAN CHARTER OF RIGHTS AND FREEDOMS

As regards the provisions concerning Parliament, the *Canadian Charter of Rights and Freedoms* (the Charter) essentially restates the same rights and obligations as section 133, but with a few additions and clarifications.

First of all, it is important to note section 16, the first subsection of which enshrines in the Constitution the status of English and French as the official languages of Canada. Official language status had been granted to English and French in the *Official Languages Act, 1969*,²² but that principle had not yet received constitutional protection.

For the purposes of this study, it is also important to note sections 17 and 18 of the Charter, which concern, respectively, the language of the debates and proceedings of Parliament and the language of Acts and other parliamentary instruments. More specifically, section 17 provides that “[e]veryone has the right to use English or French in any debates and other proceedings of Parliament.” This provision essentially confirms an established fact by reasserting the right to use the official language of one’s choice in debates in the houses of Parliament, a right that was previously guaranteed by section 133.

Section 17 nevertheless adds a new element, in that it extends that right to other parliamentary proceedings, such as those of the committees of the Senate and the House of Commons. The right to use the official language of one’s choice before the Senate or House of Commons and committees of Parliament is thus now a constitutional right.

Section 18 provides that “[t]he statutes, records and journals of Parliament shall be printed and published in English and French and both language versions are equally authoritative.”

Section 18 also restates the rights and obligations previously provided by section 133 of the *Constitution Act, 1867*, specifically stating that the English and French language versions of Acts are equally authoritative, thus suggesting that Acts are passed in both official languages. With its inclusion in the Charter, this principle, which had not been expressly stated in section 133, is now recognized in the Constitution of Canada.

3 STATUTORY PROVISIONS – OFFICIAL LANGUAGES ACT

The constitutional guarantees constitute a minimum that may be supplemented by federal and provincial statutes.²³ In 1969, Parliament passed the first *Official Languages Act* following the recommendations of the Royal Commission on Bilingualism and Biculturalism. The Act recognized, for the first time, the official language status of English and French in all matters pertaining to the Parliament and the Government of Canada.

Following adoption of the Charter in 1982, the *Official Languages Act* was revised and modernized to take into account the new constitutional guarantees contained in the Charter regarding language rights. A new *Official Languages Act*²⁴ (OLA) was passed in 1988.

The first two parts of the OLA are particularly relevant to this study. Part I involves the language of the debates and proceedings of Parliament; Part II addresses the language of legislative and other instruments of a parliamentary nature. Incidentally, it is also important to note that the provisions concerning the institutions of Parliament do not appear solely in the first two parts of the OLA. The Senate, the House of Commons and the Library of Parliament are “institutions” enumerated in section 3 of the OLA and, consequently, are subject to other parts of the Act involving, in particular, language of work and language of services offered to the public.

The courts have given quasi-constitutional status to the OLA. In *Lavigne v. Office of the Commissioner of Official Languages*, the Supreme Court of Canada confirmed that the OLA is no ordinary statute:

The importance of these objectives and of the constitutional values embodied in the *Official Languages Act* gives the latter a special status in the Canadian legal framework. Its quasi-constitutional status has been recognized by the Canadian courts. ... The constitutional roots of that Act, and its crucial role in relation to bilingualism, justify that interpretation.²⁵

In 2014, in *Thibodeau v. Air Canada*, the Supreme Court of Canada reaffirmed the quasi-constitutional status of the OLA, repeating that “it belongs to that privileged category of legislation which reflects ‘certain basic goals of our society’ and must be so interpreted ‘as to advance the broad policy considerations underlying it.’”²⁶

The OLA contains provisions that derive from various constitutional provisions, but, with regard to parliamentary debates and legislative enactments, these provisions often go beyond the constitutional guarantees examined above.

3.1 DEBATES AND PROCEEDINGS OF PARLIAMENT

Part I of the OLA consists of a single section on the language of the debates and proceedings of Parliament. The first subsection confirms that English and French are the official languages of Parliament, and that everyone has the right to use either of those languages in any debates and other proceedings of Parliament. This first subsection essentially restates the rights guaranteed by section 133 of the *Constitution Act, 1867* and section 17 of the Charter. Subsection 2 goes beyond existing constitutional provisions by guaranteeing the right to simultaneous interpretation of the debates and other proceedings of Parliament.

The broadcasting of the debates and proceedings of Parliament constitutes a service within the meaning of Part IV of the OLA.²⁷ Since 1977, the general public has been able to follow the debates of the House of Commons on radio and television. From 1979 to 1991, debates were broadcast by the Canadian Broadcasting Corporation (CBC) through two parliamentary channels, one English, and the other French.²⁸ The public was thus able to follow the debates in the official language of their choice.

In 1991, these parliamentary channels became a thing of the past as a result of budget cuts at the CBC. Since then, the Cable Public Affairs Channel (CPAC) has broadcast parliamentary debates and proceedings. The House transmits the English, French and original audio feeds to CPAC, which redistributes them to the cable companies.

The agreement between the House of Commons and CPAC provided that the latter would distribute all signals to the cable companies. However, the cable companies, which were not bound by that agreement with the House, could choose to broadcast only one of the three audio signals. As a result, in some regions of the country, parliamentary debates were broadcast in only one official language or from the original feed without translation.

That situation resulted in a complaint filed under the OLA with the Commissioner of Official Languages, and then an application for remedy before the Federal Court. The Court held that the House of Commons “must, if it uses another person or organization to deliver services that are required to be provided in both official languages, ensure that the person or organization providing such service does so in both official languages.”²⁹ The House must, therefore, ensure that CPAC, and ultimately the cable companies, broadcast the debates in both official languages.

Since that time, regulations of the Canadian Radio-television and Telecommunications Commission have required the cable companies to broadcast the signals in both official languages to ensure that parliamentary debates and proceedings are accessible to the public in the official language of their choice.³⁰

3.2 LEGISLATIVE AND OTHER INSTRUMENTS

Part II of the OLA concerns legislative and other instruments of a parliamentary nature. Among other things, this part contains provisions relating to the keeping, printing and publication of the records and journals of Parliament (section 5), as well as a provision on the enactment, printing and publishing of the Acts of Parliament (section 6).

These provisions reproduce the constitutional obligations examined above, but, once again, the OLA adds greater clarity by expressly stating that the OLA applies to the legislation enactment process, which therefore must be carried out in both official languages.

The OLA also addresses the issue of delegated legislation and concerns all instruments published in the *Canada Gazette*, as well as instruments of a public and general nature (section 7(1)). The OLA thus goes beyond the tests established by the Supreme Court in *Blaikie* and *Reference re Manitoba Language Rights* (1992) by requiring that everything published in the *Gazette* appear in both official languages. Section 7(2) concerns instruments made under executive power. Such instruments must also be published in both official languages if they are of a public and general nature.

Section 13 restates a constitutional principle, and, by doing so, highlights an important principle of legislative interpretation: the English and French versions of legislative Acts covered by Part II are equally authoritative.

3.3 HISTORICAL DEBATES

The Library of Parliament's *Canadian Parliamentary Historical Resources* online portal³¹ provides public access to the historical debates and journals of the Senate and the House of Commons in both official languages.

In 1871 and in 1880 respectively, the Senate and the House of Commons adopted official reporting of their debates, issuing them in bound, indexed volumes. These debates, which have been digitized, are available on the portal. Reconstituted debates – debates that were held prior to the adoption of official reporting – are also available on the portal, although they are unofficial versions. While some debates were initially published in only one official language, the portal offers translated versions.³²

The *Journals* of the Senate and the House of Commons, the official record of the decisions and work of both Houses, have also been digitized and are available to the public on the portal, in both official languages.³³

4 OFFICIAL LANGUAGES AND PARLIAMENTARY PROCEDURE

Canada's linguistic duality is apparent not only in the Constitution and legislation, but also in the procedure and practice of the Senate and the House of Commons. For example, the first bilingual Speaker of the House of Commons, Joseph-Godéric Blanchet,³⁴ used to alternate between English and French versions of the prayer recited at the start of each sitting.³⁵

Standing Order 7(2) of the *Standing Orders of the House of Commons* provides that the member elected to serve as Deputy Speaker of the House shall be required "to possess the full and practical knowledge of the official language which is not that of the Speaker for the time being."³⁶ For example, when Jeanne Sauvé, who was of Franco-Saskatchewanian origin, was Speaker of the House of Commons, the Deputy Speaker was Lloyd Francis, an anglophone from the Ottawa region. However, this Standing Order has not been followed since the beginning of the 37th Parliament.

Linguistic duality is also evident in the context of parliamentary committees. At the start of each parliamentary session, a number of committees pass motions providing that the documents provided by a witness shall be distributed only once they are available in both official languages.³⁷ This type of motion illustrates the potential conflict between the right of parliamentarians to receive documents in the official language of their choice and the right of witnesses to use English or French in their relations with Parliament. Following a complaint filed with the Office of the Commissioner of Official Languages, an application for remedy was recently made to the Federal Court to contest the validity of this practice. The applicant claimed that the practice was contrary to his right to use the official language of his choice before a parliamentary committee as provided for by section 4(1) of the OLA.

The Federal Court, Trial Division, held that this practice does not infringe that right. In the Court's view, this right allows all individuals to use their preferred official language in the debates and proceedings of Parliament, but does not include the right to distribute documents to the members of a committee. The decision to

distribute documents falls under the absolute authority of parliamentary committees to manage their internal procedure and is protected by parliamentary privilege. The Court concluded that the language rights of the applicant were not infringed. The Federal Court of Appeal upheld the conclusions of the Trial Division, then the Supreme Court of Canada denied the application for leave to appeal, thereby putting an end to this case.³⁸

Languages other than English and French may be used in the debates of the House, but with moderation and preferably with advance notice.³⁹ For example, members spoke in Inuktitut in the debates concerning the creation of the Territory of Nunavut. Other members have marked important dates by speaking briefly in Japanese, Greek and Gaelic, among other languages.⁴⁰

It is also important to note that, during the 1st Session of the 39th Parliament, Senator Eymard Corbin introduced the following motion to recognize the right to use ancestral Aboriginal languages to communicate in Senate proceedings:

That the Senate should recognize the inalienable right of the first residents of the land now known as Canada to use their ancestral language to communicate for any purpose; and

That, to facilitate the expression of this right, the Senate should immediately take the necessary administrative and technical measures so that senators wishing to use their ancestral language may do so.⁴¹

The motion was debated in the Senate on a number of occasions and was referred to the Standing Committee on Rules, Procedures and the Rights of Parliament, for more detailed consideration. The committee heard various witnesses and then completed a fact-finding trip to Nunavut to observe the measures the legislature has taken to provide simultaneous interpretation of its proceedings. Following this trip, the committee published a report in April 2008, outlining its observations and making recommendations.⁴²

The committee recommended that a pilot project involving the use of Inuktitut in the Senate chamber be commenced at the earliest opportunity in order to meet the needs of the two senators whose first language was Inuktitut. The committee also recommended that the pilot project be extended to two Senate committees, the Standing Committee on Aboriginal Affairs and the Standing Committee on Fisheries and Oceans, since they usually include a larger number of Aboriginal senators than do other committees. Finally, the committee recommended that after a reasonable period (one Parliament, for instance), a review be undertaken to find cost-effective ways to include the use of other Aboriginal languages in debates in the Senate chamber. The committee's report was tabled on 9 April 2008, debated a few days later, on 17 and 30 April, and was then adopted on division on 14 May 2008.

5 NEW TECHNOLOGIES AND OFFICIAL LANGUAGES IN PARLIAMENT

The emergence of new technologies and new means of communication like social media raises questions about the use of official languages in Parliament. Parliamentarians are turning to social media more often, especially to communicate with the public and promote their work. Some parliamentarians use only one official language, while others use two.

In 2014, the Commissioner of Official Languages launched an investigation after receiving several complaints about a minister's unilingual communication on social media.⁴³ In 2015, the Commissioner's preliminary report, whose content became public, said that when a representative of the government, such as a minister, communicates with the public in that capacity, he or she must do so in both official languages.⁴⁴

Lastly, Parliament itself has a Facebook page aimed at young people called *Parliament of Canada – Youth Connection*.⁴⁵ A Facebook page offering the same content in French is also available.⁴⁶ Similarly, the Senate of Canada has two Twitter pages, one in English and one in French, offering the same content, that is, a news feed on Canada's Upper House.⁴⁷

6 OFFICERS OF PARLIAMENT AND OFFICIAL LANGUAGES

In May 2012, Member of Parliament Alexandrine Latendresse introduced a Private Member's Bill, C-419, the Language Skills Act (LSA), which received Royal Assent in June 2013.⁴⁸ The LSA requires that individuals appointed to certain key offices reporting to Parliament – namely officers of Parliament (also called “agents of Parliament”) – must be able to readily speak and understand both official languages at the time of their appointment. Pursuant to section 2 of the LSA, this prerequisite applies to the following offices:

- the Auditor General of Canada;
- the Chief Electoral Officer of Canada;
- the Commissioner of Official Languages for Canada;
- the Privacy Commissioner of Canada;
- the Information Commissioner of Canada;
- the Senate Ethics Officer;
- the Conflict of Interest and Ethics Commissioner;
- the Commissioner of Lobbying of Canada;
- the Public Sector Integrity Commissioner of Canada; and
- the President of the Public Service Commission of Canada.

This law was debated in Parliament following the appointment of Michael Ferguson – a unilingual anglophone at the time of his appointment – as the Auditor General of Canada. According to Ms. Latendresse, any officer of Parliament must be able to “communicate in both official languages in order to be able to properly carry out his or her duties.”⁴⁹ The Commissioner of Official Languages for Canada, Gordon Fraser, himself an officer of Parliament, supported the bill before the Standing Senate Committee on Official Languages:

What is important to point out when it comes to agents of Parliament is that they have direct obligations toward parliamentarians. So it is very important for parliamentarians to be understood in the language of their choice.⁵⁰

The idea of respect for the language rights of parliamentarians has gained ground elsewhere in Canada. In her 2014–2015 annual report, the Commissioner of Official Languages for New Brunswick said that her province’s legislative assembly should “take the Parliament of Canada’s lead, which adopted the *Language Skills Act* in 2013.”⁵¹ In her report, she recommended that the Legislative Assembly of New Brunswick enact legislation establishing that the ability to speak and understand both official languages be a requirement for the appointment of officers of the legislative assembly.⁵²

7 CONCLUSION

A number of constitutional and statutory provisions relate to the use of the official languages in the legislative field. Those provisions, which are deeply rooted in the bilingual nature of Canada, concern a range of parliamentary activities, such as debates, proceedings, the legislative process and the publication of various parliamentary documents. These various provisions grant rights to parliamentarians and the Canadian public, thus making Parliament an institution accessible to all members of both official language communities. As noted by two researchers who have studied the issue, participation in the parliamentary process is particularly essential to the vitality of an official language minority community:

The right to participate in the legislative process is one of the “minimum requirements for a language to be effective in the public as well as private realm.” It helps make it possible for a minority linguistic group to participate in public life in its language.⁵³

As a result of the vigilance of legislators, Canada has the tools and rights to ensure that both official language communities are actively involved in the Parliament of Canada and, consequently, in Canadian society.

NOTES

1. André Braën, “La rédaction bilingue des comptes rendus des comités de la House of Commons,” *Revue générale de droit*, Vol. 26, 1995, p. 536.
2. *Ibid.*, p. 537. [Translation] See also [Re Manitoba Language Rights](#), [1985] 1 S.C.R. 721, p. 739.

3. Gérald A. Beaudoin, *Essais sur la Constitution*, Éditions de l'Université d'Ottawa, Ottawa, 1979, p. 237. [Translation]
4. *Journals of the House of Commons*, 70 (11 August 1958), p. 402.
5. Réjean M. Patry, *La législation linguistique fédérale*, Éditeur officiel du Québec, Québec, 1981, p. 41.
6. Address by the Minister of Public Works and Government Services, Reception on the occasion of the 40th anniversary of the simultaneous interpretation service in the House of Commons, 16 March 1999.
7. [MacDonald v. City of Montreal](#), [1986] 1 S.C.R. 460, p. 488. See also Michel Doucet, "Le bilinguisme législatif," in Michel Bastarache (ed.), *Droits linguistiques au Canada*, 3rd ed., Les Éditions Yvon Blais, Cowansville, Quebec, 2013, pp. 194–195.
8. [R. v. Beaulac](#), [1999] 1 S.C.R. 768.
9. House of Commons, [Debates](#), Vol. III, 1st Session, 24th Parliament (11 August 1958), p. 3332 (J. G. Diefenbaker, Prime Minister).
10. Doucet (2013), pp. 199–200, citing *Blaikie v. Quebec (Attorney General)*, [1978] C.S. 37, paras. 44 and 45. [Translation]
11. *Ibid.*, p. 58.
12. Robert Marleau and Camille Montpetit, *House of Commons Procedure and Practice*, Chenelière/McGraw-Hill, Montreal, 2000, p. 963.
13. *Ibid.*, p. 964.
14. [Att. Gen. of Quebec v. Blaikie et al.](#), [1979] 2 S.C.R. 1016, p. 1022; and *Re Manitoba Language Rights* (1985), pp. 774 and 775.
15. *Blaikie v. Quebec (Attorney General)* (1978), para. 54.
16. *Ibid.*, para. 56.
17. [Attorney General of Quebec v. Blaikie et al.](#) [1981] 1 S.C.R. 312, paras. 18 and 19.
18. *Ibid.*, paras. 52 and 53.
19. [Reference re Manitoba Language Rights](#), [1992] 1 S.C.R. 212, p. 223. The Supreme Court rendered this decision in the context of section 23 of the [Manitoba Act](#) (*An Act to amend and continue the Act 32–33 Victoria, chapter 3; and to establish and provide for the Government of the Province of Manitoba*, 1870, 33 Vict., c. 3 (Can.)), which includes obligations equivalent to those under section 133 of the Canadian Constitution for the purposes of the Province of Manitoba. Consequently, the Supreme Court judgments on section 23 also apply in the case of section 133.
20. *Reference re Manitoba Language Rights* (1992).
21. *Ibid.*, p. 228.
22. *Official Languages Act*, S.C. 1969, c. O-2, s. 2.
23. *Reference re Manitoba Language Rights* (1992), p. 223.
24. [Official Languages Act](#), R.S.C. 1985, c. 31 (4th Supp.).
25. [Lavigne v. Canada \(Office of the Commissioner of Official Languages\)](#), [2002] 2 S.C.R. 773, para. 23.
26. [Thibodeau v. Air Canada](#), [2014] 3 S.C.R. 340, para. 12.
27. This part of the OLA concerns communications with and services to the public and includes the obligations to the public of the institutions to which the OLA applies. See [Quigley v. Canada \(House of Commons\)](#), [2003] 1 F.C. 132.

28. Parliament of Canada, Standing Joint Committee on Official Languages, [The Broadcasting and Availability of the Debates and Proceedings of Parliament in Both Official Languages](#), Second Report, 1st Session, 37th Parliament, May 2001.
29. *Quigley v. Canada (House of Commons)*, para. 55.
30. See *Broadcasting Distribution Regulations*, amended by Public Notice CRTC 2001-115. It should be noted that Broadcasting Decision CRTC 2013-391 renews the broadcasting licence for the national, English- and French-language, specialty Category A, CPAC service from 1 September 2013 to 31 August 2018.
31. Library of Parliament, [Canadian Parliamentary Historical Resources](#).
32. Library of Parliament, "[About/Help](#)," *Canadian Parliamentary Historical Resources*.
33. Ibid.
34. Joseph-Godéric Blanchet was Speaker of the House of Commons during the 4th Parliament, from 1879 to 1882.
35. Marleau and Montpetit (2000), p. 360.
36. [Standing Orders of the House of Commons](#), October 2015.
37. Marleau and Montpetit (2000), p. 849.
38. [Knopf v. Canada \(House of Commons\)](#), 2007 FCA 308, motion to appeal denied, [2008] R.S.C., no. 26.
39. Marleau and Montpetit (2000), p. 515 (note 92).
40. Ibid., p. 515.
41. Senate, Notice of Motion, 1st Session, 39th Parliament, 6 April 2006.
42. Senate, Standing Committee on Rules, Procedures and the Rights of Parliament, [Fifth Report](#), 2nd Session, 39th Parliament, April 2008.
43. La Presse Canadienne, "[Bilinguisme : enquête sur les « tweets » de John Baird](#)," *Radio-Canada*, 21 August 2014; and Robert Bostelaar, "[John Baird's tweets under investigation after language complaint](#)," *Ottawa Citizen*, 21 August 2014.
44. Daniel Thibeault, "[John Baird critiqué par le commissaire aux langues officielles pour ses gazouillis unilingues anglais](#)," *Radio-Canada*, 11 February 2015; and The Canadian Press, "[Language commissioner says ministers must tweet in both English and French](#)," *The Globe and Mail*, 12 February 2015.
45. Parliament of Canada, [Parliament of Canada – Youth Connection](#), Facebook.
46. Parliament of Canada, [Parlement du Canada – Connexion jeunesse](#), Facebook.
47. [Senate of Canada](#), Twitter; and [Le Sénat du Canada](#), Twitter.
48. [Language Skills Act](#), S.C. 2013, c. 36.
49. House of Commons, [Debates](#), 1st Session, 41st Parliament, 1 May 2012, 1005 (Alexandrine Latendresse, Member of Parliament, Louis-Saint-Laurent).
50. Senate, Standing Committee on Official Languages, [Evidence](#), 1st Session, 41st Parliament, 17 June 2013, 21:32 (Graham Fraser, Commissioner of Official Languages for Canada).
51. Office of the Commissioner of Official Languages for New Brunswick, [2014–2015 Annual Report](#), June 2015, p. 24.
52. Ibid., p. 31.
53. Doucet (2013), pp. 190–191. [Translation]