

Government Orders

members of the House to listen to Canadians and remove these sections from the bill.

• (1925)

Canada is faced with rising crime rates, escalating costs to administer justice and growing debt. The task of the federal justice minister is to deal with these problems in unison. That would be difficult but not insurmountable.

I place these considerations before the House.

Mr. Wappel: Mr. Speaker, I rise on a point of order. I am looking to your guidance on a question with respect to the voting patterns you have just issued on the various motions.

Is it appropriate for me to mention this point of order now or would you prefer that I see you privately? I am somewhat confused as to item (k) in Group No. 2. I am in your hands as to how you would like to handle it.

The Speaker: If the hon. member would come to the Chair perhaps I could at least give him an opinion on how I believe it will be worked out.

In the meantime I would propose to continue debate.

[*Translation*]

Mrs. Pierrette Venne (Saint-Hubert, BQ): Mr. Speaker, Motion No. 4 is on the French language. You may think that this is a little different, but I did not think either that I would one day make a speech on the French language in this House. However, that was my only reason for putting forward this motion, as you will see.

The motion deals with the French version of Section 717.2(1), which, in my opinion, is not drafted in everyday, understandable French. Understandable it may be, but certainly not for the average person.

Since it is a very short paragraph, I will read it for you:

717.2(1) Le dossier relatif à une infraction imputée à une personne et comportant, notamment, l'original ou une reproduction des empreintes digitales ou de toute photographie de la personne peut être tenu par le corps de police qui a mené l'enquête à ce sujet ou qui a participé à cette enquête.

The French "qui a tenu" is obviously a literal translation of "hold". In French, "obtenu une photographie" means holding it in one's hands, although in this context it means keeping or holding it. That is why I moved my amendment aimed at substituting the word "conservé" for the word "tenu". A photograph or document may be kept but, as I understand it, it is held in one's hands. It is in that sense that, as I said, I was very surprised to realize that I now had to put forward a motion on the French language.

I should tell you that a number of my other motions are also related to the French language, as you will see a little later. I will not list them all at this time, but the French used here is often

peculiar, as the Bar Association noted. In several appearances before the justice committee, the Barreau du Québec observed that the French used in the Criminal Code did not match reality.

I will now quote an excerpt from the Barreau's brief on another bill, but it could also apply to this one. The Barreau du Québec says that no one is deemed ignorant of the law. That, as we know, is true. They go on to say, "The law must, however, be intelligible. The genius of the language, although it has its own rules, does not rule out the Cartesian, concise approach that is essential to the proper understanding of statutory law".

• (1930)

As for Michel Sparer and Wallace Schwab, they recognize the fact that the implementation of these principles requires strong intellectual skills, for the writer must be able to move away from specifics and sometimes partisan views to take a broader, more global approach while at the same time being extremely succinct.

They add that the simpler subject-verb-complement structure which is preferred in French shows that this language emphasizes what English usually relegates to a position of secondary importance, hence the need to be careful not to translate literally and to rearrange in a logical sequence, as required, sentences that sound English.

Understandably, in view of how complex regulatory activity is, legal instruments cannot always be drafted in accordance with these guidelines nowadays. According to the Barreau du Québec, clarity must nevertheless remain one of the primary goals of the legislator, hence the value of drafting the French and English texts separately, a rule that the Barreau suspects was broken in this case.

That is a common complaint from the association. That is why I moved several amendments to Bill C-41 designed to make the French version truly consistent with what we call the genius of the French language. I hope that our linguists are listening in this evening, so that someday we can have French instruments that are understandable and intelligible.

[*English*]

Mr. Russell MacLellan (Parliamentary Secretary to Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, I would like to speak to the motions brought forward in this first grouping.

Motion No. 4 was brought forward by the member for Saint-Hubert. I realize what the member is intending and has the suggested wording that would reduce the scope of the terms of the bill. The Department of Justice looked at this and felt the recommendation would be inconsistent with the use of the verb tenir elsewhere in the text. Therefore if we changed it here we would run the risk of putting other parts of the legislation in a tenuous position.