

*Government Orders*

In subclause (6) of the plain language amendment, it says: "As used in this section "customer"—get ready for this one—"includes a natural person". Wait a minute, there are other kinds of persons around. It is "a natural person who is a guarantor or provides security to a company". There has to be something wrong with that one.

However, if you were worried so far go to subclause (7) of the plain language amendment. This is the one you should read carefully. It says: "Subsections (1), (2), (3), (4), (5) and (6)"—

**An hon. member:** No (7).

**Mr. Breaugh:** Six of them, "shall come into force on the day which is two years after the coming into force of section 1 of this act". Wow, that is tough legislation.

Where I come from plain language means that at the end of a discussion both parties understand what was said. I do not think it quite meets that criteria.

**Hon. Kim Campbell (Minister of Justice and Attorney General of Canada):** Mr. Speaker, I wonder if I might add some comments to this discussion on the very important concept of plain language. I think that the amendment put forward by the hon. member for Malpeque has some very important ideas in it.

I can understand why some of the colleagues in this House would not want to accept it, and as part of the government I would say that it is not an amendment we want to accept. I think that there has been some confusion in the debate. I would like to address the point raised in the amendment because she addresses a very important area of public policy.

When the amendment says that the requirements would not apply to a form prescribed by government it is simply to make it clear that there are certain kinds of forms which financial institutions must use which are prescribed by government. It is simply to save them harm from complying with the law.

The question about plain language is a very interesting one. It is one that the legal profession has been wrestling with very seriously in a variety of areas of commercial law. There is no question that the need for plain language exists. The debate within the legal profession or in the area of the law is between plain language and the concern about giving up the use of what are called

"terms of art". Those are legal terms around for which there is an established jurisprudence so that everybody knows what they mean. We are gradually, slowly transferring ourselves from some of those arcane "terms of art" to plain language. The motivation behind the hon. member's amendment is very admirable and is very consistent with the concern lawyers themselves have about the accessibility of the law, legal terminology and contractual language to ordinary people and of not making these things purely the purview of people who are legally trained.

The question is whether it should be required in statute. I think my colleague, the hon. member from Mississauga East, makes a very good point in asking: "How do you define it for the purposes of the statute?" I know that one of the hon. member's colleagues asked what they are doing in the United States. I would like to find out whether there is a statutory definition of what "plain language" is or whether there are regulations.

What usually happens is that new forms are devised, an insurance policy or of a loan document or a mortgage document, which are then agreed upon. Many then become forms prescribed by government. The problem with the hon. member's amendment is that it creates an obligation without making it clear how someone meets that particular obligation. However, I think there is no question that there is a growing acceptance of the need for plain language. It may be—I would like to see the examples—that in Alberta what has been done is that certain forms have been prescribed and certain language has been prescribed.

• (1730)

What the hon. member raises in her amendment is certainly an important issue of public policy. In the Department of Justice one of the areas that we fund is research on the issue of plain language in the law to try to make it more accessible.

I would be concerned to have it in the statute now, without knowing how this was going to be defined. However, I would certainly be willing to undertake on behalf of my government to work with my colleague, the minister responsible for financial institutions, to explore this issue further if this amendment fails. I have no criticism of the policy underlying it, but I have more reservations about whether this wording should go into the statute now.