

Government Orders

[Translation]

Mrs. Pierrette Venne (Saint-Hubert, BQ) moved:

Motion No. 9

That Bill C-45, in Clause 43, be amended by replacing lines 27 to 29, on page 24, with the following:

“an offence causing the death of or serious harm to another person or a sexual offence involving a child”.

She said: Madam Speaker, we keep hearing that ignorance of the law is no excuse. Still it should be intelligible. Bill C-45 is already a very complex piece of legislation as far as calculating the period of sentence and eligibility for parole is concerned. So if even the drafters stumble over words and sentence structure, it will take a clever person indeed to understand.

As the Barreau du Québec indicated in its brief on Bill C-45 submitted to the Standing Committee on Justice, and I quote: “In fact, although we brought together the varied expertise of a number of professionals from academia, the prisons and private practice, they were not able to conduct an exhaustive review of clause 34 of the Bill and the related provisions because both the methods of calculation adopted and the wording used seemed so recondite”.

Clause 34 of the bill is the key element of the methods for calculating sentence and eligibility for parole. If experts have a hard time making out what it means, how is a judge expected to benefit from a reform that is far from being as crystal clear as requested?

Motion No. 9, which I just moved, is not designed to amend clause 34, which will serve as an example however, but to complete in clause 43 of Bill C-45 the information that is missing in the French version. I do not know if the drafters were making fun of us or not, but there is a limit.

Francophone readers must refer to the subsections listed in order to know what it is all about, while the English version mentions the subsections and goes on to describe the offences in extenso.

Either the drafters assumed that francophone readers know by heart the sections referred to in Bill C-45 and their content or they were trying to make the clause difficult to understand in the French version.

Either way, this is adding insult to injury. I will not stand for this kind of abuse any longer, for myself or francophones in general. There is a plethora of instances where federal legislation makes a mockery of the language of Molière. Drafters are misusing the French language under the pretext of simplifying.

The new section 120.1 proposed in the bill is another example. In English, this section sets a basis for the computation of the prescribed time, yet this information is missing in the French version. It will be easier for an anglophone judge to understand what it is all about. At any rate, in either language, the bench is not likely to be able to make head nor tail of it.

That is why it is important to set a start point, this point being the day on which the additional sentence was imposed. This correction is essential. However, this will only be a partial solution to an endemic problem.

● (1105)

The following is typical of Bill C-45, and I am referring to the wording of clause 34. Let me first get my breath, because there are no commas in the next paragraph, which is a simple sentence. And I quote:

Le délinquant dont la peine d'emprisonnement n'est pas expirée et qui est condamné à une peine d'emprisonnement supplémentaire à purger à la suite de l'autre n'est admissible à la libération conditionnelle totale qu'à la date à laquelle il a accompli le temps d'épreuve requis à la fois sur la partie de la peine non encore exécutée au moment de la condamnation et sur la peine supplémentaire.

If you understand this, Madam Speaker, congratulations. The point is that the additional sentence was consecutive. In the English version, however, we read:

[English]

“Commencing on the day on which the additional sentence was imposed”.

[Translation]

We do not find these words in the French text. So in English, an individual can find out when he is eligible for parole, while a Francophone cannot because he does not know where to start counting.

A judge who cannot interpret a legal text will have to judge in equity and ignore the text, which is so convoluted that the results would be absurd. That is how the rule of law ends up at the bottom of the culture gap.

Another striking example may be found in clause 45 of the English version, and I quote:

[English]

“Any factor that is relevant”.

[Translation]

The French version says, and I quote: “tous les facteurs utiles”. This must be corrected. The use of the word “utiles” in the French version is not appropriate. This is about the relevance of the information concerned, not about its usefulness.

For years I have tried to tell this House that respect for Francophones starts with respect for their language. I find this bad habit editors have of making their French translation a carbon copy of the English extremely annoying. When will they realize that the French language is not well served by a translation from a text originally written in English? When can I expect to see federal legislation drafted in correct French? Certainly not before October 30.

I have been a member of this House for nearly seven years, and there have been few occasions when I could say that both the English and the French versions of a bill were drafted with the same care. Aside from awkward syntax or grammatical errors,