

September 26, 2006

SPEAKER'S RULING

Official Languages

The Hon. the Speaker: Honourable senators, I am ready to give my ruling on a point of order concerning the use of a third language.

Earlier this year, on Thursday, June 22, just days before the Senate adjourned for the summer, Senator Corbin rose on a point of order concerning an incident that had occurred earlier in the sitting during Senators' Statements. Before getting to the point of order, I would like to briefly review the incident.

At the start of the sitting, I had asked the chamber whether there was leave for Senator Watt to make a statement in Inuktitut. After leave was granted, Senator Watt proceeded to make his statement. Immediately thereafter, Senator Comeau rose to caution fellow senators as to what had just happened. As he explained, the Senate should be careful in consenting to requests to use a third language when it is not possible to ensure simultaneous interpretation in both official languages.

It was Senator Comeau's remarks that prompted Senator Corbin to raise his point of order, in which he sought to raise several issues. First, he claimed that his rights as a senator had been infringed because he was unable to listen to Senator Watt's statement in his mother tongue. As it turned out, the French channel was mostly silent throughout the statement, while the English interpretation was sporadic. Second, he claimed that Senator Comeau's statement violated rule 22(4) since it anticipated debate on Senator Corbin's own Order Paper motion advocating the right of Aboriginal senators to speak their native language in this house.

Finally, he asked for a ruling as to whether Senator Watt was indeed allowed to exercise "his ancient and Aboriginal right" to speak in Inuktitut and, consequently whether the Senate must oblige and provide interpretation of Inuktitut in Canada's two official languages.

By way of response, Senator Comeau stated that he was prepared to leave the matter in my hands for a decision. As it appeared that no other Senator sought to contribute their views on this point of order, I then agreed to take the matter under advisement. During the summer adjournment, I have had ample opportunity to review the *Debates* as well as the procedural authorities and am prepared to give my assessment of what transpired.

Let me begin by addressing the three specific issues that Senator Corbin raised before exploring in greater detail some other aspects of the use of third languages in the Chamber. First of all, Senator Corbin's dissatisfaction with the lack of adequate translation echoes the comment that Senator Comeau made. On this point, both Senators appear to be in agreement. There is, however, a real challenge for the interpretation

service when a third language is used, especially without sufficient notice. While French and English are, in law, the official languages of the country and their use in Parliament is guaranteed, no rule of the Senate prohibits the use of third languages.

Indeed, there is precedent for permitting the use of third languages with leave of the Senate. At the same time, it must be stressed that no resources are allocated for the provision of translators for these third languages whatever they may be.

When Senator Watt successfully obtained leave to speak in Inuktitut, he also had an English translation of his text. Unfortunately, the current configuration of the Chamber's interpretation booth does not readily permit translation of a third language simultaneously in both English and French. Even if Senator Watt had also provided a French translation, there would still have been a problem for the interpreters since both interpreters share the same booth and sit side by side. Since only one microphone can be on at a time, it is not possible for the English and French interpreters to speak at the same time. In other words, only the English *or* the French microphone can be used at any given time. This explains why the French channel was mostly silent throughout Senator Watt's statement. This is a real problem and there is no easy remedy.

Senator Corbin also contended that Senator Comeau infringed the rule against anticipation in that his comments raised issues more properly addressed through debate on Senator Corbin's motion supporting the use of aboriginal languages in this Chamber. Senator Corbin has raised a valid issue. Rule 22(4) provides that when making a statement "a Senator shall not anticipate consideration of any Order of the Day ...". Senator Comeau himself acknowledged the fact that there was a motion before the Senate dealing with the issue of aboriginal languages. Nonetheless, I think it is fair to say that Senator Comeau did not intend to address specifically the subject of Senator Corbin's motion which involves, in part, the recognition of "the inalienable right of the first inhabitants of the land ... to use their ancestral language ...". In fact, both Senators, as I have already noted, were concerned with the circumstances of the incident that included the difficulties which Senators experienced in the provision of interpretation of Senator Watt's remarks.

The third part of Senator Corbin's point of order had to do with his motion on the Order Paper. The Senator asked me if I thought that, when Senator Watt spoke in Inuktitut, he was in fact "exercising his ancient and Aboriginal right as a member of the Senate to speak his living language..." This is a question I decline to answer as part of the point of order. To do otherwise would inappropriately prejudge a decision which belongs to the Senate itself under the terms of the motion which the Senator has placed before this Chamber for its determination.

With respect to the broader question of the use of third languages, it might be helpful to remind honourable senators of the long tradition that we have of seeking to accommodate special needs and interests so long as it is within our capacity. This practice of reasonable accommodation involves not only requests to use a third language, but also when Senators have sometimes asked if other Senators might read their prepared speeches on

their behalf because of illness. More recently, Senators will know that our reporters have applied their stenographic skills to enable real time bilingual captioning of the proceedings here in the Chamber for the benefit of hearing impaired Senators and visitors in our galleries. This captioning service is also provided to the televised proceedings of committee meetings.

If we draw on these examples, perhaps there is a way that we can reasonably accommodate senators who wish to speak in a third language. In such a case, I would recommend that an English and French translation be provided to the Senate chamber staff well in advance of the sitting to allow for distribution to all senators in the chamber in a similar way that Speaker's rulings are distributed. Nonetheless, it is important to bear in mind that when a third language is used in the chamber, meaningful debate is rendered more difficult given that few senators, if any, will understand what is being said, and the ability to provide English and French interpretation remains a challenge. On this basis, I find that the concerns of Senators Comeau and Corbin are well founded. Senators should be able to follow all deliberations in this chamber in the official language of their choice. This does not necessarily mean that third languages can never be used. However, given the current circumstances, if they are to be used, they should be relatively brief and preferably in the form of a statement, tribute or other similar intervention, not substantive debate.

In the absence of any established rules or procedures with respect to the use of third languages, the concerns shared by Senator Comeau and Senator Corbin are real. At the same time, in keeping with the principle of reasonable accommodation, I suspect the Senate will do what it can to accommodate such future requests as best it can.