



## MINUTES OF PROCEEDINGS

OTTAWA, Monday, June 12, 2023

(36)

[English]

The Standing Senate Committee on Official Languages met this day at 4:01 p.m., in room B30, Senate of Canada Building, the acting chair, the Honourable Lucie Moncion, presiding.

*Members of the committee present:* The Honourable Senators Audette, Clement, Cormier, Dagenais, Gignac, Gold, P.C., Mégie, Mockler, Moncion and Poirier (10).

*Other senators present:* The Honourable Senators Loffreda and Seidman (2).

*Participating in the meeting:* Shaila Anwar, Clerk Assistant and Chantal Cardinal, Procedural Clerk, Committees Directorate; Marie-Ève Hudon, Analyst, Library of Parliament.

Pursuant to the order of reference adopted by the Senate on Thursday, June 1, 2023, the committee continued its consideration of Bill C-13, An Act to amend the Official Languages Act, to enact the Use of French in Federally Regulated Private Businesses Act and to make related amendments to other Acts.

### WITNESSES:

#### *Canadian Heritage:*

Julie Boyer, Assistant Deputy Minister, Official Languages, Heritage and Regions;

Sarah Boily, Director General, Official Languages.

#### *Department of Justice Canada:*

Warren J. Newman, Senior General Counsel, Public Law and Legislative Services Sector, Constitutional, Administrative and International Law Section.

#### *Treasury Board of Canada Secretariat:*

Carsten Quell, Executive Director, Official Languages Centre of Excellence, Office of the Chief Human Resources Officer.

*As individuals:*

Michel Doucet, Professor emeritus, Faculty of Law, University of Moncton (*by videoconference*);

Érik Labelle Eastaugh, Associate Professor and Director, International Observatory on Language Rights, University of Moncton (*by videoconference*);

Janice Naymark, Lawyer (*by videoconference*).

Michel Doucet, Janice Naymark and Érik Labelle Eastaugh each made a statement and answered questions.

At 5:16 p.m., the committee suspended.

At 5:22 p.m., the committee resumed.

It was agreed that the committee proceed to clause-by-clause consideration of Bill C-13.

Sarah Boily, Julie Boyer, Warren J. Newman and Carsten Quell answered questions from time to time.

It was agreed that the title stand postponed.

It was agreed that clause 1, which contains the short title, stand postponed.

With leave and pursuant to rule 12-20(4), it was agreed that the committee group clauses, where appropriate, according to the Table of Provisions of Bill C-13 and, in Part 1 of the bill, according to the parts of the *Official Languages Act*.

The acting chair asked whether clause 2 shall carry.

The Honourable Senator Clement moved that Bill C-13 be amended in clause 2, on page 3, by replacing line 37 with the following:

“revitalizing and strengthening Indigenous languages, which are Canada’s first languages,”.

After debate, the question being put on the motion in amendment, it was negatived, on division.

The Honourable Senator Audette moved that Bill C-13 be amended in clause 2, on page 3, by adding the following after line 39:

“AND WHEREAS the Government of Canada recognizes that Parliament has enacted the United Nations Declaration on the Rights of Indigenous Peoples Act, which affirms that the Declaration applies in Canadian law and that the Government of Canada must, in consultation and cooperation with Indigenous peoples, take all measures necessary to ensure that the laws of Canada are consistent with the Declaration;

AND WHEREAS the Government of Canada recognizes that Article 13 of the United Nations Declaration on the Rights of Indigenous Peoples provides that

“Indigenous peoples have the right to revitalize, use, develop and transmit to future generations their histories, languages, oral traditions, philosophies, writing systems and literatures, and to designate and retain their own names for communities, places and persons”, and

States have a duty to “take effective measures to ensure that this right is protected and also to ensure that indigenous peoples can understand and be understood in political, legal and administrative proceedings, where necessary through the provision of interpretation or by other appropriate means”;

After debate, the question being put on the motion in amendment, it was negatived, on division.

It was agreed that clause 2 carry, on division.

It was agreed that clauses 3 and 4 carry.

It was agreed that clauses 5 to 7 carry.

It was agreed that clauses 8 to 10 carry.

It was agreed that clauses 10.1 to 12 carry.

It was agreed that clauses 12.1 to 13 carry.

It was agreed that clauses 14 to 18 carry.

It was agreed that clauses 19 and 20 carry.

The acting chair asked whether clauses 21 to 24 shall carry.

The Honourable Senator Clement moved that Bill C-13 be amended in clause 24, on page 21,

(a) by replacing line 15 with the following:

“portance of cooperating with provincial, territorial and municipal”;

(b) by replacing line 17 with the following:

“into account the diversity of the provincial, territorial and municipal”.

After debate, the question being put on the motion in amendment, it was negatived, on division.

It was agreed that clauses 21 to 24 carry.

The acting chair asked whether clauses 25 and 26 shall carry.

The Honourable Senator Clement moved that Bill C-13 be amended in clause 25, on page 22, by adding the following after line 34:

“(d.1) develop and implement a policy that would empower the use and the promotion of Indigenous languages in federal institutions to ensure the advancement of the principles of the United Nations Declaration on the Rights of Indigenous Peoples;”.

After debate, the question being put on the motion in amendment, it was negatived, on division.

It was agreed that clauses 25 and 26 carry.

It was agreed that clauses 27 to 39 carry.

It was agreed that clauses 40 to 43 carry.

It was agreed that clauses 44 to 50 carry.

It was agreed that clause 51 carry.

It was agreed that clause 52 carry.

It was agreed that clause 53 carry.

It was agreed that clause 54 carry.

It was agreed that clauses 55 to 63 carry.

It was agreed that clauses 64 to 67 carry.

It was agreed that clause 68 carry.

It was agreed that clauses 69 and 70 carry.

It was agreed that clause 71 carry.

It was agreed that clause 1, which contains the short title, carry.

It was agreed that the title carry.

It was agreed that the bill carry, on division.

At 6:33 p.m., the committee suspended.

At 6:39 p.m., pursuant to rule 12-16(1)(d), the committee resumed in camera to discuss a draft report.

It was agreed that senators' staff be permitted to remain in the room during the in camera portion of the meeting.

It was agreed that the committee allow the transcription of the in camera portion of today's meeting, that one copy be kept with the clerk of the committee for consultation by committee members or staff, and that the transcript be destroyed by the clerk when authorized to do so by the Subcommittee on Agenda and Procedure, but no later than at the end of this parliamentary session.

The committee discussed observations.

It was agreed that observations be appended to the committee's report.

It was agreed that the Subcommittee on Agenda and Procedure be empowered to approve the final version of the observations being appended to the report, taking into consideration the changes discussed in committee, and with any necessary editorial, grammatical or translation changes as required.

It was agreed that the chair report Bill C-13, without amendment and with observations, to the Senate.

At 7:59 p.m., the committee adjourned to the call of the chair.

*ATTEST:*

Angus Wilson

*Clerk of the Committee*