

BILL C-91

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First Reading

Second Reading

Third Reading

Royal Assent

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STATUTES OF CANADA 2019

CHAPTER 23

An Act respecting Indigenous languages

ASSENTED TO

JUNE 21, 2019

BILL C-91

RECOMMENDATION

Her Excellency the Governor General recommends to the House of Commons the appropriation of public revenue under the circumstances, in the manner and for the purposes set out in a measure entitled "*An Act respecting Indigenous languages*".

SUMMARY

This enactment provides, among other things, that

- (a)** the Government of Canada recognizes that the rights of Indigenous peoples recognized and affirmed by section 35 of the *Constitution Act, 1982* include rights related to Indigenous languages;
- (b)** the Minister of Canadian Heritage may enter into different types of agreements or arrangements in respect of Indigenous languages with Indigenous governments or other Indigenous governing bodies or Indigenous organizations, taking into account the unique circumstances and needs of Indigenous groups, communities and peoples; and
- (c)** federal institutions may cause documents to be translated into an Indigenous language or provide interpretation services to facilitate the use of an Indigenous language.

The enactment also establishes the Office of the Commissioner of Indigenous Languages and sets out its composition. The Office's mandate and powers, duties and functions include

- (a)** supporting the efforts of Indigenous peoples to reclaim, revitalize, maintain and strengthen Indigenous languages;
- (b)** promoting public awareness of, among other things, the richness and diversity of Indigenous languages;
- (c)** undertaking research or studies in respect of the provision of funding for the purposes of supporting Indigenous languages and in respect of the use of Indigenous languages in Canada;
- (d)** providing services, including mediation or other culturally appropriate services, to facilitate the resolution of disputes; and
- (e)** submitting to the Minister of Canadian Heritage an annual report on, among other things, the use and vitality of Indigenous languages in Canada and the adequacy of funding provided by the Government of Canada for initiatives related to Indigenous languages.

Available on the House of Commons website at the following address:

www.ourcommons.ca

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64-65-66-67-68 ELIZABETH II

CHAPTER 23

An Act respecting Indigenous languages

[Assented to 21st June, 2019]

Preamble

Whereas the recognition and implementation of rights related to Indigenous languages are at the core of reconciliation with Indigenous peoples and are fundamental to shaping the country, particularly in light of the Truth and Reconciliation Commission of Canada’s Calls to Action;

Whereas the Government of Canada is committed to implementing the United Nations Declaration on the Rights of Indigenous Peoples, which affirms rights related to Indigenous languages;

Whereas 2019 has been proclaimed by the General Assembly of the United Nations as the International Year of Indigenous Languages to, among other things, draw attention to the critical loss of Indigenous languages and the urgent need to maintain, revitalize and promote Indigenous languages;

Whereas the Government of Canada recognizes that all relations with Indigenous peoples must be based on the recognition and implementation of their right to self-determination, including the inherent right of self-government;

Whereas First Nations, the Inuit and the Métis Nation have their own collective identities, cultures and ways of life and have, throughout history and to this day, continued to live in, use and occupy the lands that are now in Canada;

Whereas Indigenous languages were the first languages used in the lands that are now in Canada and those languages have evolved over time;

Whereas Indigenous languages played a significant part in the establishment of relations between Europeans and Indigenous peoples;

Whereas Indigenous peoples have played a significant role in the development of Canada and Indigenous languages contribute to the diversity and richness of the linguistic and cultural heritage of Canada;

Whereas a history of discriminatory government policies and practices, in respect of, among other things, assimilation, forced relocation, the Sixties Scoop and residential schools, were detrimental to Indigenous languages and contributed significantly to the erosion of those languages;

Whereas the status of Indigenous languages varies from one language to another, including with respect to the vitality of those languages, and there is an urgent need to support the efforts of Indigenous peoples to reclaim, revitalize, maintain and strengthen them;

Whereas Indigenous languages are fundamental to the identities, cultures, spirituality, relationships to the land, world views and self-determination of Indigenous peoples;

Whereas efforts to protect the vitality of Indigenous languages contribute to the enrichment of Indigenous knowledge as well as to the prevention of the loss of cultural diversity, biodiversity and spirituality;

Whereas a variety of entities in different regions across Canada have mandates to promote the use of Indigenous languages and to support the efforts of Indigenous peoples to reclaim, revitalize, maintain and strengthen them and there is a need for the Government of Canada to provide continuing support for those entities;

Whereas the Government of Canada is committed to providing adequate, sustainable and long-term funding for the reclamation, revitalization, maintenance and strengthening of Indigenous languages;

Whereas Indigenous peoples are best placed to take the leading role in reclaiming, revitalizing, maintaining and strengthening Indigenous languages;

Whereas Indigenous-language media and lifelong learning of Indigenous languages, including education systems for Indigenous people, are essential to restoring and maintaining fluency in those languages;

Whereas a flexible approach that takes into account the unique circumstances and needs of Indigenous groups, communities and peoples is required in light of the diversity of identities, cultures and histories of Indigenous peoples;

And whereas there is a need to take into account the unique circumstances and needs of Indigenous elders, youth, children, persons with disabilities, women, men and gender-diverse persons and two-spirit persons;

Now, therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Short Title

Short title

1 This Act may be cited as the *Indigenous Languages Act*.

Interpretation

Definitions

2 The following definitions apply in this Act.

appropriate Minister has the same meaning as in section 2 of the *Financial Administration Act*. (*ministre compétent*)

Commissioner means the Commissioner of Indigenous Languages appointed under section 13. (*English version only*)

federal institution means an entity that is referred to in any of paragraphs (a) to (b) and (d) of the definition *department* in section 2 of the *Financial Administration Act* or a *Crown corporation*, as defined in subsection 83(1) of that Act. (*institution fédérale*)

Indigenous governing body means a council, government or other entity that is authorized to act on behalf of an Indigenous group, community or people that holds rights recognized and affirmed by section 35 of the *Constitution Act, 1982*. (*corps dirigeant autochtone*)

Indigenous organization means an Indigenous entity that represents the interests of an Indigenous group and its members or, other than in section 45, that is specialized in Indigenous languages. (*organisme autochtone*)

Indigenous peoples has the meaning assigned by the definition *aboriginal peoples of Canada* in subsection 35(2) of the *Constitution Act, 1982*. (*peuples autochtones*)

Minister means the Minister of Canadian Heritage. (*ministre*)

Office means the Office of the Commissioner of Indigenous Languages established under section 12. (*English version only*)

Rights of Indigenous peoples

3 This Act is to be construed as upholding the rights of Indigenous peoples recognized and affirmed by section 35 of the *Constitution Act, 1982*, and not as abrogating or derogating from them.

Inconsistency or conflict

4 In the event of any inconsistency or conflict between this Act and a treaty — including a land claims agreement — or a self-government agreement, the treaty or self-government agreement prevails to the extent of the inconsistency or conflict.

Purposes of Act

Purposes

5 The purposes of this Act are to

(a) support and promote the use of Indigenous languages, including Indigenous sign languages;

(b) support the efforts of Indigenous peoples to reclaim, revitalize, maintain and strengthen Indigenous languages, including their efforts to

(i) assess the status of distinct Indigenous languages,

(ii) plan initiatives and activities for restoring and maintaining fluency in Indigenous languages,

(iii) create technological tools, educational materials and permanent records of Indigenous languages, including audio and video recordings of fluent speakers of the languages and written materials such as dictionaries, lexicons and grammars of the languages, for the purposes of, among other things, the maintenance and transmission of the languages,

(iv) support Indigenous language learning and cultural activities —

including language nest, mentorship and immersion programs — to increase the number of new speakers of Indigenous languages,

(v) support entities specialized in Indigenous languages, and

(vi) undertake research or studies in respect of Indigenous languages;

(c) establish a framework to facilitate the effective exercise of the rights of Indigenous peoples that relate to Indigenous languages, including by way of agreements or arrangements referred to in sections 8 and 9;

(d) establish measures to facilitate the provision of adequate, sustainable and long-term funding for the reclamation, revitalization, maintenance and strengthening of Indigenous languages;

(e) facilitate cooperation with provincial and territorial governments, Indigenous governments and other Indigenous governing bodies, Indigenous organizations and other entities in a manner consistent with the rights of Indigenous peoples and the powers and jurisdictions of Indigenous governing bodies and of the provinces and territories;

(e.1) facilitate meaningful opportunities for Indigenous governments and other Indigenous governing bodies and Indigenous organizations to collaborate in policy development related to the implementation of this Act;

(f) respond to the Truth and Reconciliation Commission of Canada's Calls to Action numbers 13 to 15; and

(g) contribute to the implementation of the United Nations Declaration on the Rights of Indigenous Peoples as it relates to Indigenous languages.

Rights Related to Indigenous Languages

Recognition by Government of Canada

6 The Government of Canada recognizes that the rights of Indigenous peoples recognized and affirmed by section 35 of the *Constitution Act, 1982* include rights related to Indigenous languages.

Powers, Duties and Functions of Minister

Consultations — adequate, sustainable and long-term funding

7 The Minister must consult with a variety of Indigenous governments and other Indigenous governing bodies and a variety of Indigenous organizations in

order to meet the objective of providing adequate, sustainable and long-term funding for the reclamation, revitalization, maintenance and strengthening of Indigenous languages.

Cooperation to support Indigenous languages

8 The Minister may cooperate with provincial or territorial governments, Indigenous governments or other Indigenous governing bodies, Indigenous organizations or other entities — including by entering into agreements or arrangements with them for purposes such as providing Indigenous language programs and services in relation to education, health and the administration of justice — to coordinate efforts to efficiently and effectively support Indigenous languages in Canada in a manner consistent with the rights of Indigenous peoples recognized and affirmed by section 35 of the *Constitution Act, 1982* and the powers and jurisdictions of Indigenous governing bodies and of the provinces and territories.

Agreements or arrangements — purposes of Act

9 Taking into account the unique circumstances and needs of Indigenous groups, communities and peoples and the research or studies referred to in section 24 and in a manner consistent with the rights of Indigenous peoples recognized and affirmed by section 35 of the *Constitution Act, 1982* and the powers and jurisdictions of Indigenous governing bodies and of the provinces and territories, the Minister and an appropriate Minister may enter into an agreement or arrangement to further the purposes of this Act with a provincial or territorial government, an Indigenous government or other Indigenous governing body or an Indigenous organization.

Other agreements

10 For greater certainty, sections 8 and 9, and any agreement referred to in those sections, are not to be construed as preventing

(a) any person or entity from relying on a provision relating to the reclamation, revitalization, maintenance or strengthening of an Indigenous language that is contained in a treaty — including a land claims agreement — or a self-government agreement; or

(b) an Indigenous government or other Indigenous governing body from entering into, with the Government of Canada or the government of a province or territory, a treaty — including a land claims agreement — or a self-government agreement that provides, among other things, for the reclamation, revitalization, maintenance or strengthening of an Indigenous language.

Federal Institutions

Access to services in Indigenous languages

10.1 A federal institution or its agent or mandatary may, in accordance with the regulations, provide access to services in an Indigenous language, if the institution or its agent or mandatary has the capacity to do so and there is sufficient demand for access to those services in that language.

Agreements and arrangements

10.2 (1) An agreement or arrangement may be entered into under section 8 or 9 for the purpose of allowing a federal institution or its agent or mandatary to provide access to services in an Indigenous language.

Inconsistency or conflict

(2) In the event of any inconsistency or conflict between an agreement or arrangement referred to in subsection (1) and the regulations made under paragraph 45(1)(a.2), the agreement or arrangement prevails to the extent of the inconsistency or conflict.

Translation and interpretation

11 A federal institution may cause

(a) any document under its control to be translated into an Indigenous language; or

(b) interpretation services to be provided to facilitate the use of an Indigenous language in the course of the federal institution's activities.

Office of Commissioner of Indigenous Languages

Establishment

Office established

12 (1) There is established an office, to be known as the Office of the Commissioner of Indigenous Languages, consisting of the Commissioner and up to three directors.

Status

(2) The Office is neither an agent of Her Majesty in right of Canada nor is it an

entity governed by the *Financial Administration Act*, and its Commissioner, directors and employees are not part of the federal public administration.

Appointment of Commissioner

13 On the recommendation of the Minister made after the Minister has consulted with a variety of Indigenous governments and other Indigenous governing bodies and a variety of Indigenous organizations, the Governor in Council is to appoint a Commissioner of Indigenous Languages to hold office during good behaviour for a term not exceeding five years, subject to removal by the Governor in Council at any time for cause.

Advisory committee

13.1 The Minister may establish a committee to provide the Minister with advice on the appointment of the Commissioner.

Chief executive officer

14 The Commissioner is the chief executive officer of the Office and has the control and management of the Office and all matters connected with it.

Commissioner absent or unable to act

15 If the Commissioner is absent or unable to act or if the office of Commissioner is vacant, the Minister may designate a director to act as Commissioner, but that director may act as Commissioner for a period of more than 90 days only with the approval of the Governor in Council given on the recommendation of the Minister made after the Minister has consulted with a variety of Indigenous governments and other Indigenous governing bodies and a variety of Indigenous organizations.

Appointment of directors

16 (1) On the recommendation of the Minister made after the Minister has consulted with a variety of Indigenous governments and other Indigenous governing bodies and a variety of Indigenous organizations, the Governor in Council is to appoint up to three directors to hold office during pleasure for a term not exceeding five years.

Interests of First Nations, Inuit and Métis

(2) Before making recommendations under subsection (1), the Minister must seek comments in order to ensure that the Governor in Council appoints persons who have the ability to represent the interests of First Nations, the Inuit and the Métis.

Reappointment

17 The Commissioner and directors may be reappointed for a second or subsequent term of office.

Status

18 The Commissioner and directors are to be appointed to hold office on a full-time basis.

Remuneration

19 (1) The Commissioner and directors are to be paid the remuneration determined by the Governor in Council.

Expenses

(2) The Commissioner is to be reimbursed for reasonable travel and other expenses incurred in performing duties while absent from the Commissioner's ordinary place of work. The directors are to be reimbursed for such expenses incurred in performing duties while absent from their ordinary place of residence.

Employees

20 The Office may hire any employees that are necessary to carry out the activities of the Office and determine the duties of those persons and the conditions of their employment, including their remuneration and benefits.

Conflict of interest

21 The Commissioner, directors and employees of the Office must not accept or hold an office or employment that is inconsistent with their duties or take part in any matter that involves the Office and in which they have an interest.

Head office

22 The Office's head office is to be in the National Capital Region, as described in the schedule to the *National Capital Act*, or at any other place in Canada that may be designated by order of the Governor in Council.

Mandate and Powers, Duties and Functions

Mandate

23 (1) The mandate of the Office is to

(a) help promote Indigenous languages;

(b) support the efforts of Indigenous peoples to reclaim, revitalize, maintain and strengthen Indigenous languages;

(c) facilitate the resolution of disputes and review complaints to the extent provided by this Act;

(d) promote public awareness and understanding in respect of

(i) the diversity and richness of Indigenous languages,

(ii) the inseparable link between Indigenous languages and the cultures of Indigenous peoples,

(iii) the rights of Indigenous peoples related to Indigenous languages,

(iv) the significance of those rights for Indigenous peoples, as well as for the general public,

(v) the negative impact of colonization and discriminatory government policies on Indigenous languages and the exercise of those rights, and

(vi) the importance of working toward and contributing to reconciliation with Indigenous peoples; and

(e) support innovative projects and the use of new technologies in Indigenous language education and revitalization, in cooperation with Indigenous governments and other Indigenous governing bodies, Indigenous organizations, the Government of Canada and provincial and territorial governments.

Consultation and coordination

(2) In fulfilling its mandate, the Office must, where appropriate, consult and coordinate with any Indigenous, provincial or territorial entity that is responsible for the promotion, revitalization or protection of Indigenous languages.

Research or studies

24 (1) The Office may undertake research or studies, or cause research or studies to be undertaken, in respect of

(a) the provision of funding for the purposes of supporting Indigenous languages; or

(b) the use of Indigenous languages in Canada, including for the purposes of

measuring the vitality of those languages or identifying measures to restore and maintain fluency in those languages.

Community assessments

(2) The research or studies referred to in paragraph (1)(b) may take into account a community assessment, with the consent of the Indigenous community in respect of which the assessment was undertaken.

Availability — research or study

(3) The Office must make the results of any research or study referred to in subsection (1) available to any Indigenous community, Indigenous government or other Indigenous governing body or Indigenous organization that contributed to that research or study. Subject to any law, the Office must also make any document used in or produced for that research or study available to that Indigenous community, Indigenous government or other Indigenous governing body or Indigenous organization.

Copy or use free of charge

(4) The Office must authorize the Indigenous community, Indigenous government or other Indigenous governing body or Indigenous organization to copy or otherwise use the research or study free of charge for the purpose of reclaiming, revitalizing, maintaining or strengthening Indigenous languages. Subject to any law, the Office must also authorize any document used in or produced for that research or study to be copied or otherwise used by that Indigenous community, Indigenous government or other Indigenous governing body or Indigenous organization free of charge, for that purpose.

Support offered by Office

25 At the request of an Indigenous community or an Indigenous government or other Indigenous governing body, the Office may provide support to the community or the Indigenous government or other Indigenous governing body in its efforts to reclaim, revitalize, maintain and strengthen an Indigenous language, including its efforts to

(a) create permanent records of the language, including audio and video recordings and written materials such as dictionaries, lexicons and grammars of the language, for the purposes of, among other things, its maintenance and transmission;

(b) establish certification standards for translators and interpreters;

(c) conduct research and studies and community assessments in respect of

the use of the language;

(d) develop and implement plans for reclaiming, revitalizing, maintaining and strengthening the language; or

(e) engage with the Government of Canada or provincial or territorial governments to establish culturally appropriate methods of teaching and learning the language.

Dispute resolution services

26 At the request of an Indigenous community, an Indigenous government or other Indigenous governing body, an Indigenous organization or the Government of Canada, the Office may provide services, including mediation or other culturally appropriate services, to facilitate the resolution of a dispute related to

(a) the fulfilment by any party of an obligation related to Indigenous languages under an agreement entered into by the Government of Canada;

(b) funding provided by the Government of Canada for the purposes of an initiative related to Indigenous languages;

(c) the fulfilment of any of the Government of Canada's obligations under this Act; or

(d) the implementation of any of the Government of Canada's policies and programs related to Indigenous languages.

Review of complaints

27 (1) The Commissioner may conduct a review of a complaint, filed by an Indigenous government or other Indigenous governing body, an Indigenous organization or an Indigenous person, respecting any matter referred to in any of paragraphs 26(a) to (d).

Report

(2) After conducting the review, the Commissioner must prepare a report containing any recommendations that the Commissioner considers to be appropriate.

Capacity, rights, powers and privileges

28 The Office has the capacity, rights, powers and privileges of a natural person, including the capacity to

(a) enter into contracts;

(b) acquire, hold and dispose of property or an interest or right in property, or lease property; and

(c) sue and be sued.

Delegation

29 The Commissioner may delegate any of the Commissioner's powers, duties and functions under this Act to any director or employee of the Office, subject to any conditions that the Commissioner may impose.

Limit of liability

30 No action or other proceeding lies against the Commissioner, a director, an employee of the Office or a person acting on behalf of the Office for anything done, or omitted to be done, in the exercise or purported exercise in good faith of any power, or in the performance or purported performance in good faith of any duty or function, of that person in accordance with this Act.

Financial Management

Fiscal year

31 The Office's fiscal year is the period beginning on April 1 in one year and ending on March 31 in the next year.

Expenditure of revenues

32 Subject to any conditions that the Treasury Board may impose, the Office may expend, in the furtherance of its mandate, during a fiscal year or the following one, any revenues that it receives in that fiscal year through the conduct of its activities.

Business plan and budget

33 (1) The Office must establish a business plan and budget for each fiscal year and submit them to the Minister.

Scope and contents of business plan

(2) The Office's business plan must encompass all of the Office's activities and include a statement of

(a) the Office's mandate;

(b) the Office's objectives for the fiscal year and the measures it intends to

employ to achieve those objectives; and

(c) the Office's expected performance for the fiscal year.

Contents of budget

(3) The Office's budget must include a statement of the Office's projected revenues and expenses for the fiscal year.

Activities consistent with business plan

(4) The Office must carry on its activities in a fiscal year in a manner that is consistent with its business plan for that year.

Books and systems

34 (1) The Office must keep books of account and records in relation to them and must also maintain financial and management control and information systems.

Requirements

(2) The books, records and systems referred to in subsection (1) must be kept and maintained in a manner that will provide reasonable assurance that

(a) the Office's assets are safeguarded and controlled;

(b) its transactions are carried out in accordance with this Act;

(c) its financial, human and physical resources are managed economically and efficiently; and

(d) its activities are carried out effectively.

Internal audit

(3) The Office may cause internal audits to be conducted to assess the Office's transactions and activities for the purpose of verifying compliance with subsections (1) and (2).

Financial statements

(4) The Office must prepare financial statements annually, in accordance with generally accepted accounting principles.

Form of financial statements

(5) The Office's financial statements must be prepared in a form that clearly sets out information according to its principal activities.

Annual auditor's report

35 (1) The Office must cause an annual auditor's report to be prepared on its financial statements and any quantitative information required to be audited under subsection (3).

Contents

(2) The report must, among other things,

(a) include separate statements as to whether in the opinion of the Office's auditor

(i) the financial statements are presented fairly, in accordance with generally accepted accounting principles, applied on a basis consistent with that of the preceding year,

(ii) the quantitative information is accurate in all material respects and, if applicable, was prepared on a basis consistent with that of the preceding year, and

(iii) the Office's transactions that have come to the auditor's notice in the course of the auditor's examination for the report were carried out in accordance with this Act; and

(b) call attention to any other matter falling within the scope of the auditor's examination for the report that, in the auditor's opinion, should be brought to the attention of the Office or the Minister.

Audit of quantitative information

(3) The Minister may require that any quantitative information required to be included in the report under paragraph (2)(a) be audited.

Presentation to Minister

(4) The Office must submit to the Minister its audited financial statements with respect to the fiscal year within 90 days after the end of that fiscal year.

Special examination

36 (1) At any time required by the Minister, the Office must cause a special examination to be carried out in respect of its transactions and activities to determine if the books, records, systems and practices referred to in section 34 were, in the period under examination, maintained in a manner that met the requirements of that section.

Examiner

(2) The special examination is to be carried out by the Office's auditor. However, if, in the Minister's opinion, a person other than the Office's auditor should carry out the special examination, the Minister may, after consultation with the Commissioner, direct that the examination be carried out by another auditor who is qualified for the purpose.

Plan

(3) Before commencing the special examination, an examiner must survey the Office's systems and practices to be examined and submit a plan for the examination, including a statement of the criteria to be applied in the examination, to the Commissioner.

Reliance on internal audit

(4) The examiner must, to the extent feasible, rely on any internal audit conducted under subsection 34(3).

Examiner's report

37 (1) The examiner must, on completion of the special examination, submit a report on the examiner's findings, and a summary of that report, to the Minister and the Commissioner.

Contents

(2) The examiner's report is to include

(a) a statement as to whether, in the examiner's opinion, having regard to the criteria referred to in subsection 34(2), there is a reasonable assurance that there are no significant deficiencies in the systems and practices examined; and

(b) a statement on the extent to which the examiner relied on internal audits.

Posting of summary

(3) The Office must, as soon as feasible after the Commissioner has received the report, post the summary of the report on its website.

Consultation with Auditor General

38 The Office's auditor or the examiner may at any time consult the Auditor General of Canada on any matter relating to an audit or special examination.

Right to information

39 (1) At the request of the Office's auditor or the examiner, the present or former Commissioner, directors or employees of the Office must provide any information and explanations, and give access to any of the Office's records, documents, books, accounts and vouchers that are under their control, that the auditor or examiner considers necessary to prepare a report required under this Act.

Obligation to inform

(2) If the Office's present or former Commissioner, directors or employees do not have information or explanations requested by an auditor or examiner under subsection (1), the Office's current Commissioner or directors must obtain the information or explanation and provide it to the auditor or examiner.

Restriction

40 Nothing in sections 34 to 39 is to be construed as authorizing the Office's auditor or the examiner to express any opinion on the merits of matters of policy, including the merits of the Office's mandate or any policy decision of the Office.

Qualified privilege

41 An oral or written statement or a report made under this Act by the Office's auditor or an examiner has qualified privilege.

Disclosure of material developments

42 The Commissioner must, as soon as feasible, notify the Minister of any financial or other developments that, in the Commissioner's opinion, are likely to have a material effect on the Office's ability to carry out its mandate or exercise its powers or perform its duties or functions, on its performance or on its requirements for funding.

Annual Report

Contents

43 (1) The Office must, within four months after the end of each fiscal year, submit to the Minister an annual report on

(a) the use and vitality of Indigenous languages in Canada;

(b) the needs of Indigenous groups, communities and peoples and entities that are specialized in Indigenous languages — and the progress made — in

relation to the reclamation, revitalization, maintenance and strengthening of Indigenous languages;

(c) the adequacy of funding provided by the Government of Canada for the purposes of initiatives related to Indigenous languages; and

(d) the implementation of this Act.

Activities of Office and other contents

(2) The annual report must also set out information respecting the Office's principal activities for the fiscal year and must include

(a) a list of the research and studies undertaken under subsection 24(1);

(a.1) the Office's financial statements;

(b) the annual auditor's report;

(c) a statement on the extent to which the Office has met its objectives for the fiscal year; and

(d) any other information specified by the regulations.

Tabling in Parliament

44 (1) The Minister must cause a copy of the Office's report to be laid before each House of Parliament on any of the first 15 days on which that House is sitting after the day on which the report is received.

Referral to committee

(2) After it is tabled, the report stands referred to the committee of the Senate, the House of Commons or both Houses of Parliament that may be designated or established for the purpose of reviewing the report.

Regulations and Rules

Regulation-making powers

45 (1) Following consultations by the Minister with the Office, a variety of Indigenous governments and other Indigenous governing bodies and a variety of Indigenous organizations in order to take into account the unique circumstances and needs of Indigenous groups, communities and peoples, the Governor in Council may make regulations

(a) respecting complaints referred to in section 27, including

(i) the filing of complaints, including the conditions that must be met before complaints may be filed,

(ii) the review of complaints, and

(iii) the reports made after conducting the review of complaints, including the type of recommendations that may be made in those reports, the period of time within which the reports must be completed and the persons or entities to which the reports must be provided;

(a.1) respecting procedures for consultations required under this Act as well as for the negotiation of agreements or arrangements under sections 8 and 9;

(a.2) for the purpose of section 10.1,

(i) specifying the services to which access may be provided in an Indigenous language and the region in which a federal institution or its agent or mandatary may provide access to those services in that language,

(ii) defining the expression “provide access to services”, and

(iii) defining the expressions “capacity” and “demand” and specifying the circumstances in which a federal institution or its agent or mandatary has the capacity to provide access to services in an Indigenous language and those in which demand for access to services in that language is sufficient;

(b) specifying other information to be included in the annual report for the purposes of paragraph 43(2)(d); and

(c) generally, for carrying out the purposes and provisions of this Act.

Distinctions-based approach

(2) The regulations made under paragraph (1)(a.2) may provide definitions and requirements that vary depending on

(a) the Indigenous language in question;

(b) the use and vitality of that language;

(c) the unique circumstances and needs of an Indigenous group, community or people that uses that language;

(d) the region where that language is used; and

(e) the federal institution or its agent or mandatary that may provide access to services in that language.

Collaboration

45.1 The Minister must ensure that Indigenous governments and other Indigenous governing bodies and Indigenous organizations are afforded a meaningful opportunity to collaborate in policy development leading to the making of regulations under section 45.

Rules — Office's meetings and activities

46 The Office may make rules with respect to

(a) the calling of meetings of the Office, the number of persons that constitute a quorum at each meeting and the manner in which decisions are to be made; and

(b) the conduct of the activities of the Office.

Rules — dispute resolution and complaints

47 Subject to any regulations made under paragraph 45(a), the Office may make rules, including rules of procedure, that apply in respect of dispute resolution services or the review of complaints.

Rules — confidentiality

48 The Office must make rules to ensure the confidentiality of the information the Office receives in confidence in the exercise of its powers and the performance of its duties and functions.

Independent Review

Five-year review

49 (1) Within five years after the day on which this section comes into force and every five years after that, the Minister must cause to be conducted an independent review of this Act, of its administration and operation, of any agreements or arrangements made under section 9 and of the activities of the Office. The review must be conducted by a person or body appointed by the Minister in consultation with the Office.

Report

(2) The person or body that conducts the review must submit to the Minister a report setting out their conclusions and recommendations, including

(a) any measures that would contribute to the fulfilment of the objectives of this Act; and

(b) any changes to this Act in relation to, among other things, the mandate or the activities of the Office or the agreements or arrangements made under section 9.

Consultations

(2.1) Before submitting the report to the Minister, the person or body that conducts the review must consult with a variety of Indigenous governments and other Indigenous governing bodies and a variety of Indigenous organizations concerning the conclusions and recommendations that should be included in the report.

Tabling in Parliament

(3) The Minister must cause a copy of the report to be laid before each House of Parliament on any of the first 15 days on which that House is sitting after the day on which the report is received.

Referral to committee

(4) After it is tabled, the report stands referred to the committee of the Senate, the House of Commons or both Houses of Parliament that may be designated or established for the purpose of reviewing the report.

Parliamentary Review

Three-year review

49.1 As soon as feasible after the third anniversary of the day on which this section comes into force and after each subsequent third anniversary, a review of this Act and of its administration and operation is to be commenced by a committee of the Senate, of the House of Commons or of both Houses of Parliament that may be designated or established for that purpose.

Coming into Force

Order in council

50 The provisions of this Act come into force on a day or days to be fixed by order of the Governor in Council.

Bill C-91
(Royal Assent)
June 21, 2019



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