



**Toward an *Official Languages Act* that Supports
– and Does Not Disregard or Undermine –
the Development of Official Language Minority
Community Media**

Brief by

The Consortium of Official Language Minority Community Media,
Presented to the Standing Senate Committee on Official Languages
Within the Context of its Study on Canadians' Views About
Modernizing the *Official Languages Act*

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Introduction

- [1] The Consortium of Official Language Minority Community Media (the Consortium) is an alliance of the three national organizations representing official language minority community media in Canada: the Association de la presse francophone (APF), the Alliance des radios communautaires du Canada (ARC du Canada) and the Quebec Community Newspapers Association (QCNA). Since 2016, the Consortium has been the common voice of all three of its members on a number of issues.
- [2] Established in 1976, the **APF** is the only existing network of French-language newspapers published in Canada outside Quebec. It represents the interests of 18 community newspapers¹ with a combined readership of more than 400,000 francophones and francophiles.² The APF brings together, supports and represents its member publications in order to ensure their continued survival and vitality, thereby contributing to the development and growth of Acadian and francophone communities. Its members include the newspaper *Le P'tit Moniteur*, now known as *Le Moniteur Acadien*, which was founded in 1867 in Shediac, New Brunswick; *La Liberté*, a French-language Manitoba publication which recently celebrated its 105th anniversary; and the newspapers *L'Aquilon* in the Northwest territories (established in 1986) and *L'Aurore boréale* in Yukon (established in 1983), both of which have been in existence for more than 30 years.
- [3] **ARC du Canada** was founded in 1991. Its mission is to contribute to the ongoing growth of French-language minority communities by creating, maintaining and developing an alliance of community radio stations. ARC du Canada comprises 24 community radio stations³ broadcasting in eight provinces and two territories; with a total listenership of 300,000, ARC du Canada has a reach that is constantly expanding. It provides opportunities for consultation, coordination, co-operation, collaboration and promotion to its members, while respecting their local and regional characteristics.

¹ *Le Droit* (Ontario), *L'Express* (Ontario), *Le Nord* (Ontario), *Le Goût de vivre* (Ontario), *Le Voyageur* (Ontario), *L'Orléanais* (Ontario), *Agricom* (Ontario), *La Liberté* (Manitoba), *L'eau vive* (Saskatchewan), *Le Franco* (Alberta), *L'Aurore boréale* (Yukon), *L'Aquilon* (Northwest Territories), *Le Nunavoix* (Nunavut), *L'Acadie Nouvelle* (New Brunswick), *Le Moniteur acadien* (New Brunswick), *Le Courrier* (Nova Scotia), *La Voix acadienne* (Prince Edward Island), *Le Gaboteur* (Newfoundland and Labrador).

² Association de la presse francophone, [Rapport annuel 2017–2018](#), p. 23 [available in French only].

³ Radio Chaleur, CFRH (Ontario), CINN (Ontario), CKGN (Ontario), CKXL (Manitoba), CFRG (Saskatchewan), CHPL (Alberta), CILS (British Columbia), CIVR (Northwest Territories), CFRT (Nunavut), CFAI (New Brunswick), CFBO (New Brunswick), CFJU (New Brunswick), CHQC (New Brunswick), CIMS (New Brunswick), CJPN (New Brunswick), CJSE (New Brunswick), CKMA (New Brunswick), CKUM (New Brunswick), CIFA (Nova Scotia), CITU (Nova Scotia), CKJM (Nova Scotia), CKRH (Nova Scotia), CJRM (Newfoundland and Labrador).

- [4] Established in 1980, the **QCNA** is dedicated to the professional and economic development of English community newspapers and their enterprises serving minority communities in Quebec. Its 30 member newspapers⁴ serve some 824,000 readers across the province. The QCNA provides its members with advocacy, marketing and promotion services; among other things, it also helps them to confront the challenges specific to newspapers in official language minority markets. Among its members, the QCNA counts Canada's oldest active community newspaper, the *Quebec Chronicle–Telegraph*, which was established in 1764, as well as the *Sherbrooke Record*, which has been in existence since 1897.
- [5] Community newspapers and radio stations serve more than 2 million Canadians living in official language minority communities. A substantial proportion of the Consortium's readers and listeners reside in geographically remote communities that are not always served by mainstream media. This reality makes the vitality of these communities more fragile.
- [6] In 2010, the Organisation for Economic Co-operation and Development (OECD) noted that “[...] a democratic political system cannot function without diverse, free, and independent sources of news, [...]”⁵ A vital cornerstone of democracy, community newspapers and radio stations are essential contributors to the continuing development and the linguistic and cultural vitality of official language minority communities.⁶ They have been part of the everyday lives of the members of these communities for decades, and they constitute symbols of identity and community attachment factors. Community media also play a unifying role: dealing with local events and issues that are glossed over by mainstream media, community media allow the members of often geographically remote communities to network amongst themselves, thereby contributing to their sense of community. They also facilitate access to public information in the minority official language.⁷ Indeed, community media constitute a very effective means by which the government can disseminate notices and promotional material to taxpayers who would not be reached by mainstream media or the Internet. Moreover, quite apart from their

⁴ *Bulletin d'Aylmer, The Equity, The Low Down to Hull & Back, The West Quebec Post, Pontiac Journal du Pontiac, The Nation, Nunatsiq News, The Eastern Door, Main Street, The North Shore News, Southwest News/Le Suroit, Iori:Wase, The Laval News, Nouvelles Parc Extension News, The Suburban All Editions, Westmount Independent, The Suburban Laval Edition, The Suburban West Island Edition, The Suburban City Edition, Brome County News, The Record, The Townships Sun, The Gaspé Spec, Quebec Chronicle–Telegraph, Humsafar Times, Ricochet Media, The Canadian Jewish News, The Greek Canadian News, The Senior Times, Quebec Farmers Advocate, Il Cittadino Canadese.*

⁵ Organisation for Economic Co-operation and Development (OECD), Working Party on the Information Economy, *The Evolution of News and the Internet*, 11 June 2010, p. 13.

⁶ In a recent News Release issued by your committee, Senator Cormier was quoted as follows: “Local and community media are key players in the development and vitality of the communities they serve.” Standing Senate Committee on Official Languages, *Government must support official language minority community media*, News Release, 8 May 2018.

⁷ Standing Senate Committee on Official Languages, *Evidence*, 42nd Parliament, 1st Session, 19 March 2018 (Marie-Hélène Eddie, Doctoral student in sociology, University of Ottawa, As an Individual).

cultural value, community media play an economic role by creating career opportunities for official language minority community members, raising the profiles of their businesses and providing advertising opportunities.

- [7] The future of official language minority communities is largely dependent on their access to quality community media. As Senator Gagné pointed out during a recent meeting of the Standing Senate Committee on Transport and Communications, “[i]t is clear that to ensure a community’s development, it must be able to read, to see and to hear itself.”⁸ In fact, academic research has found that the more official language minority communities have at their disposal a variety of media in their language, the more they make use of that language.⁹
- [8] Canadian media, however, are going through a crisis that threatens their very existence. This crisis is tied to a dramatic drop-off in advertising revenue: “Newspaper advertising peaked in Canada at \$2.66 billion in 2006 and has declined to under \$1.25 billion today.”¹⁰
- [9] The media within the Consortium have fallen prey to this phenomenon.¹¹ In fact, the crisis is worse for them: because of their geographic isolation or the scattering of their target audience across urban centres, official language minority community media are less likely to attract advertising buyers, since the markets they serve and their circulation numbers are often too small. The situation is compounded by the impact of the digital revolution in the past few years. Consequently, the ability of community media to generate revenue and diversify revenue sources is being compromised by the saturation of the markets they serve. For instance, the advertising revenue of the newspaper *Le Courrier* in Nova Scotia has declined nearly 75% in recent years.¹² Nevertheless, *Le Courrier* is more necessary than it has ever been, as the francophone community in Nova Scotia continues to blossom. Even as *Le Courrier* continues to lose advertising revenue, enrolment figures in the province’s Acadian school board are on the upswing and there are more people in Nova Scotia with a working knowledge of French than there were five years ago.¹³ Hence, federal government policies are detrimental to the Acadian and

⁸ Senate of Canada, Standing Senate Committee on Transport and Communications, [Evidence](#), 42nd Parliament, 1st Session, 22 May 2018.

⁹ See for example: Christiane Bernier et al., “L’effet de la disponibilité des médias et de la densité de la population minoritaire sur la langue d’exposition aux médias,” *Minorités linguistiques et société*, No. 3, 2013, pp. 120–143, in particular pp. 132–134 and 139 [available in French only]; also, Standing Senate Committee on Official Languages, [Evidence](#), 42nd Parliament, 1st Session, 19 March 2018 (Marie-Hélène Eddie, Doctoral student in sociology, University of Ottawa, As an Individual).

¹⁰ FRIENDS of Canadian Broadcasting, [Close the Loophole! The Deductibility of Foreign Internet Advertising](#), March 2018, p. 9.

¹¹ Association de la presse francophone, [Rapport annuel 2016–2017](#), p. 3 [available in French only].

¹² Office of the Commissioner of Official Languages, *Final Investigation Report of the Interim Commissioner of Official Languages. Public Works and Government Services Canada, Treasury Board of Canada Secretariat, Privy Council Office, Canadian Heritage*, Ottawa, June 2017, p. 9 [Interim Commissioner’s Final Investigation Report].

¹³ Statistics Canada, [Census Profile, 2016 Census, Nova Scotia and Canada](#) 2016; Statistics Canada, *Census Profile – Nova Scotia*, 2011.

francophone community in Nova Scotia in that they undermine the development of its community media.

- [10] In the following pages, the Consortium (A) reviews the crisis facing official language minority community media, then (B) proposes some amendments to the *Official Languages Act* designed to support the development of community media and bolster their ability to withstand this crisis.

(A) The crisis facing official language minority community media

- [11] The economic challenges facing community media within the Consortium are extremely serious. Cutbacks in reporting staff have become commonplace. For instance, the Saskatchewan French-language publication *L'Eau vive* currently does not employ a journalist, has had to stop publishing a print edition and is now trying to publish a PDF issue every two weeks.¹⁴ In Prince Edward Island, the weekly newspaper *La Voix acadienne* has been forced to cut staff and concentrate on outside projects. In Yukon, the newspaper *L'Aurore boréale* has eliminated its one and only full-time journalist position.¹⁵ In Quebec, the *Aylmer Bulletin* and the *West Quebec Post* have endured staff cuts of 30% over the last two years. The *Quebec Chronicle Herald* only has one employee left, and *The Gaspé Spec* is operating almost exclusively thanks to the work of volunteers. “When it comes to community radio stations, more than 60% do not have the resources to fulfil the requirements for their CRTC licence.”¹⁶ “The four radio stations in Nova Scotia are on the brink of closing. The community radio station in Newfoundland depends on a handful of volunteers, and a number of community radio stations in western Canada are in the same position.”¹⁷
- [12] The lack of resources is a problem that has been exacerbated by the tremendous allure of the digital revolution in the last decade and the migration of advertising revenue toward the Internet.¹⁸ In 2015, complaints were filed with the Office of the Commissioner of Official Languages concerning huge drops in federal government advertising in the media. In her Final Investigation Report, released in 2017, the Interim Commissioner of Official Languages noted the following:

The investigation shows that federal institutions do increasingly tend to use the Internet for their advertising and that that medium has been favoured for at least ten years, not because a directive was issued to that effect, not because the 2006 Communication Policy obliges them to do so, but because the Internet has become essential in this age of electronic communication. [...] At the same time, we also see a corresponding constant, pervasive reduction in the advertising revenue of newspapers and radio stations throughout the country, as is the case for community newspapers and radio stations in [official language minority communities].¹⁹

The report subsequently indicated that the drop in advertising in community media by federal institutions between 2006–2007 and 2014–2015 is definitely among the factors that contributed to the current difficulties facing community media; such institutions now clearly prefer the placement of advertisements on the Internet over the use of traditional

¹⁴ Association de la presse francophone, [Rapport annuel 2016–2017](#), *supra*, p. 25.

¹⁵ OCOL Final Report, *supra*, p.9.

¹⁶ Standing Senate Committee on Transport and Communication, [Evidence](#), 42nd Parliament, 1st Session, 30 May 2018 (Linda Lauzon, Executive Director, Association de la presse francophone).

¹⁷ Standing Senate Committee on Transport and Communication, [Evidence](#), 42nd Parliament, 1st Session, 30 May 2018 (François Côté, Executive Director, Alliance des radios communautaires du Canada).

¹⁸ See, for example: Assemblée de la francophonie de l'Ontario, [Les médias francophones en Ontario : Livre blanc](#), September 2017, p. 4 [White Paper on francophone media in Ontario] [available in French only].

¹⁹ OCOL, Interim Commissioner's Final Investigation Report, *supra*, p. 21.

advertising methods such as official language minority community newspapers and radio stations.²⁰

- [13] The overall drastic decline in revenue recorded by Consortium members can be attributed largely to the reduction in advertising revenue from federal government sources. By way of indication, the value of ads placed in official language media by the federal government fell 75% over a period of 8 years, from about \$2 million in 2006–2007 to less than \$425,000 in 2014–2015.²¹ According to the APF, “[translation] the collective shortfall incurred by [its] members totals \$1.5 million annually and has a direct impact on the quality and volume of information conveyed.”²² Advertising placements on ARC du Canada radio stations have all but disappeared, plummeting from \$850,000 in 2007 to barely \$45,000 in 2018.
- [14] Moreover, the minority language press, which is already extremely fragile, now devotes a significant amount of its resources to digital operations. For example, *Le Franco*, the only French-language periodical in Alberta, undertook a transition to digital technology last year. One electronic issue was designed to incorporate video clips, thus elevating the newspaper’s profile on social networks. Although this work monopolized much of the energy and resources of the *Le Franco* team, its members continued to produce quality content for each issue of the newspaper.²³
- [15] In spite of this crisis, the readership of APF members and the confidence of the public have not diminished. “The monthly readership rate of community newspapers varies between 47 % and 54 % depending on the region in Canada,” [rising to as much as 80% in the Northwest Territories. More than two thirds of community newspaper readers read these publications as often as or more often than other local newspapers.] Three factors encourage the reading of a community newspaper: access to local news, the content in general, and the fact that in certain regions, it is the only francophone newspaper.”²⁴ *Francompresse*, the APF’s news service, has doubled its printing rate from last year.²⁵ The readership enjoyed by QCNA members has remained steady as well; three out of five anglophone residents of Quebec read their local English-language community newspaper.
- [16] Despite the increased presence of the Internet, official language communities continue to use their newspapers. In addition, more than 300,000 people listen to ARC du Canada member radio stations, and the listenership is stable. As stated by the Interim Commissioner of Official Languages in her Final Investigation Report in June 2017, following complaints concerning the drastic reduction in government advertising in the media: “No data submitted in the course of the investigation, nor any documents

²⁰ Ibid, p. 26.

²¹ White Paper on francophone media in Ontario, *supra*, p. 10.

²² Association de la presse francophone, *Rapport annuel 2015–2016*, p. 5 [available in French only].

²³ Association de la presse francophone, *Rapport annuel 2016–2017*, *supra*, p. 24.

²⁴ OCOL, Interim Commissioner’s Final Investigation Report, *supra*, p. 7; see also Alliance of Official Language Minority Media, *Let’s Talk Media – Media consumption habits of official language minority communities reports*, March 2012, pp. 6 and 12–18 [*Media consumption habits of official language minority communities reports*].

²⁵ Association de la presse francophone, *Rapport annuel 2016–2017*, *supra*, p. 12.

consulted, confirmed the opinion that official language minority newspapers and radio stations no longer have a place in those communities, or that they no longer provide support to them or contribute to their identity building.”²⁶

- [17] Your committee’s study on Canadians’ views about modernizing the *Official Languages Act* and the reports that will flow from it constitute a key opportunity to ask Parliament to take specific steps to ensure that the next version of the *Official Languages Act* contributes to – and does not undermine – the development of community media.

²⁶ OCOL, Interim Commissioner’s Final Investigation Report, *supra*, p. 33; see also *Media consumption habits of official language minority communities reports*, *supra*, pp. 6–7 and 19–24.

(B) Amendments to the *Official Languages Act* designed to help support the development of official language community media

- [18] The community media crisis is a familiar issue. Several parliamentary committees have pointed to the various difficulties facing community media and have already made recommendations on how to address these problems.
- [19] For example, in its study on changes to the Government of Canada’s communications policy pertaining to government advertising, the House of Commons Standing Committee on Government Operations and Estimates expressed concern in 2017 that “the government’s ‘digital-first’ approach and its commitment to significantly reduce advertising expenditures might limit the choice of media – favouring digital media over perhaps more costly traditional media.”²⁷ That committee also observed “that there could be some misalignment between the government’s digital-first strategy and the reality that many Canadians targeted by programs and services are best reached through more traditional media, including television, radio and print media.”²⁸ At the end of its study, the Standing Committee on Government Operations and Estimates specifically recommended that the “Government of Canada increase advertising purchasing for [...] community newspapers and other local media, so that the government meets the stated directive that communications are responsive to the diverse information needs of the public.”²⁹
- [20] In 2017, the House of Commons Standing Committee on Canadian Heritage, as part of its study on the media and local communities, published a report entitled *Disruption: Change and Churning in Canada’s Media Landscape*, in which it set out the following statement of principle:
- Given the media’s importance as a reflection of Canada’s diversity and a pillar of our democracy, the Government of Canada must implement the necessary measures to support the existence of a free and independent media and local news reporting.³⁰
- This committee in particular recommended that the federal government “offer greater support to Indigenous, ethnic and official language minority print media,”³¹ and “that federal institutions increase their dissemination of information in official languages, ethnic and Indigenous communities.”³²
- [21] More recently, in June 2018, the House of Commons Standing Committee on Official Languages published a report following its review of support programs for official language minority community media. This committee noted that “in recent years, the

²⁷ Standing Committee on Government Operations and Estimates, [Reaching Canadians with Effective Government Advertising](#), December 2017, p. 39.

²⁸ Ibid, p. 31.

²⁹ Ibid, p. 39.

³⁰ Standing Committee on Canadian Heritage, [Disruption: Change and Churning in Canada’s Media Landscape](#), June 2017, p. 7.

³¹ Ibid, p. 40.

³² Ibid, p. 52.

federal government has neglected its responsibilities to [official language minority community] media by significantly reducing its advertising with them.”³³ Its recommendations include a request that the Treasury Board Secretariat amend the *Policy on Communications and Federal Identity*³⁴ to specifically state that “deputy heads” of federal institutions must meet “the objectives of the *Official Languages Act*, as set out in sections 11 and 30 and subsections 41(1) and 41(2) of the [*Official Languages Act*].”³⁵

- [22] The Office of the Commissioner of Official languages, for its part, noted in its 2017 investigation report that federal institutions have definitely adopted an Internet-first strategy in their advertising and that this approach has only grown in recent years, leading to a considerable reduction in the share of the federal advertising pie allocated to community newspapers and radio stations across Canada.³⁶ Furthermore, the Interim Commissioner found that the Privy Council Office, the Treasury Board Secretariat, the Department of Public Works and Government Services Canada and the Department of Canadian Heritage failed to demonstrate leadership when they did not react to a generally well-known situation that could potentially prove detrimental to the tools for development and growth that are community newspapers and radio stations.³⁷ The Office of the Commissioner of Official Languages consequently recommended that the federal government adopt positive measures, in accordance with its obligations pursuant to section 41 of the *Official Languages Act*.³⁸
- [23] In its recent *Action Plan for Official Languages*, the federal government made a commitment to create “a \$10-million Community Media Strategic Support Fund over the next five years to give financial support to projects that help sustain official-language minority community media – both radio and newspapers.”³⁹ It also promised to provide “\$4.5 million over five years to *Young Canada Works at Building Careers in English and French*, which will create 35 internships at English- and French-language minority community radio stations or newspapers.⁴⁰ While there remains considerable uncertainty as to the specifics of these financial contributions, they are most certainly steps in the right direction.
- [24] That being said, there is nothing in the present legislative framework that stipulates or warrants that such support will be renewed. The *Official Languages Act* simply does not provide the necessary legislative framework to ensure the development of community media, notwithstanding the fundamental importance of the role they play in language

³³ Standing Committee on Official Languages, [Media in the Digital Age: Reconciling Federal Responsibilities to Official Language Minority Communities with New Trends](#), June 2018, p. 4 [Standing Committee on Official Languages, *Media in the Digital Age*].

³⁴ Treasury Board Secretariat, [Policy on Communications and Federal Identity](#), updated in 2016.

³⁵ Standing Committee on Official Languages, *Media in the Digital Age*, p. 23.

³⁶ OCOL, Interim Commissioner’s Final Investigation Report, *supra*, p. 33.

³⁷ *Ibid*, p. 34.

³⁸ *Ibid*, p. 36.

³⁹ Government of Canada, [Action Plan for Official Languages – 2018–2023: Investing in our Future](#), Ottawa, March 2018, p. 18.

⁴⁰ *Ibid*.

planning across Canada. It should be emphasized that most of the challenges confronting community media arose after the *Official Languages Act* was passed in 1969 and after it was revised in 1988. The Internet did not even exist at that time! On behalf of the 72 community radio stations and newspapers it represents, the Consortium is therefore asking your committee to recommend **three amendments to the Official Languages Act** that would make it possible to ensure the development of official language minority community media.

- [25] **First**, the Consortium is calling upon the Committee to take advantage of its study on modernizing the *Official Languages Act* to recommend that the Act be amended to ensure the development of community media and, consequently, of the communities they serve. The Consortium therefore adds its voice to those of numerous witnesses in requesting that a government obligation to adopt an action plan on official languages be enshrined into the *Official Languages Act*.⁴¹ The Consortium further requests that specific provision be made by the Parliament of Canada to designate as one of the federal government's areas of intervention the ongoing development and vitality of official language minority communities by means of their community media.
- [26] The need to give effect to this first request to amend the *Official Languages Act* became more critical following the Federal Court decision in *Fédération des francophones de la Colombie Britannique c Canada (Emploi et Développement Social)* concerning the scope of the federal government's obligation to adopt positive measures in order to implement its commitment to enhance the vitality and development of francophone and anglophone minorities. In this case, the Federal Court held that this obligation, set out in the *Official Languages Act*, could not impose specific and particular obligations on federal institutions, since nothing in the wording of the Act can be deemed sufficiently specific in this regard.⁴² In other words, community media cannot demand or expect specific positive measures on the part of the government, unless the Act is amended accordingly.
- [27] **Second**, the Consortium requests that your committee recommend that Parliament modernize sections 11 and 30 of the *Official Languages Act* concerning the publication of notices and advertisements and the federal government's manner of communicating. These sections were drafted during what can only be described as a bygone era, and Parliament must consequently modernize them.

⁴¹ See for example: Conseil des écoles fransaskoises, [Concrete Proposals for Modifications of the Official Languages Act: Shielding the Role of the Federal Government in French-Language Education from Partisan Politics](#), 12 February 2018, para. 49; Conseil scolaire francophone de la Colombie-Britannique, [For an Official Languages Act in Service of Minority French-Language Education](#), 12 February 2018, para. 29; Division scolaire franco-manitobaine, [Modernizing the Official Languages Act to increase and strengthen the presence of French in Canada](#), 15 February 2018, pp. 5–6; Fédération des communautés francophones et acadiennes du Canada, [Giving New Momentum to Canada's Linguistic Duality! For a Modern and Respected Official Languages Act](#), 26 March 2018, para. 136; Société de l'Acadie du Nouveau-Brunswick, [Let's Finally Recognize the Specificity of New Brunswick in the Official Languages Act!](#), 16 April 2018, para. 69; and Commissariat aux services en français, [Modernizing the Official Languages Act: Seeking areas of interjurisdictional harmonization](#), 11 June 2018, para. 93.

⁴² *Fédération des francophones de la Colombie Britannique c Canada (Emploi et Développement Social)*, 2018 CF 530, para. 530 [available in French only].

[28] Section 11 of the *Official Languages Act* sets out the terms and conditions for the publication by the federal government of notices, advertisements and other matters primarily for the information of the public. However, it refers to “publications in general circulation” rather than community media. A simple amendment to the wording of section 11 would be sufficient to require federal institutions to publish their material in community media.⁴³ Here then, for your consideration, is the first draft of a modernized section 11 (underlining is used to indicate additions to the Act, strikethrough to identify deletions):

Avis et annonces

11 (1) Les textes — notamment les avis et annonces — que les institutions fédérales doivent ou peuvent, sous le régime d’une loi fédérale, publier, ou faire publier, et qui sont principalement destinés au public doivent, ~~là où cela est possible,~~ paraître dans les deux langues officielles dans des publications qui sont largement diffusées dans chacune des régions visées, la version française dans au moins une publication d’expression principalement française et son pendant anglais dans au moins une publication d’expression principalement anglaise, ainsi que dans au moins une publication communautaire de langue officielle en situation minoritaire dans la langue de celle-ci. ~~En l’absence de telles publications, ils doivent paraître dans les deux langues officielles dans au moins une publication qui est largement diffusée dans la région.~~

Notices, advertisements and other matters that are published

11 (1) A notice, advertisement or other matter that is required or authorized by or pursuant to an Act of Parliament to be published by or under the authority of a federal institution primarily for the information of members of the public shall,
(a) ~~wherever possible,~~ be printed in both official languages one of the official languages in at least one publication in general circulation within each region where the matter applies that appears wholly or mainly in that language and in the other official language in at least one publication in general circulation within each region where the matter applies that appears wholly or mainly in that other language, as well as in at least one official language minority publication in its language; and
(b) ~~where there is no publication in general circulation within a region where the matter applies that appears wholly or mainly in English or no such publication that appears wholly or mainly in French,~~ be printed in both official languages in at least one publication in general circulation within that region.

[29] Section 30 of the *Official Languages Act* states that “where a federal institution is engaged in communications with members of the public in both official languages [...], it shall communicate by using such media of communication as will reach members of the public in the official language of their choice in an effective and efficient manner that is consistent with the purposes of this Act.” To offset the consequences of the Internet-first approach now being used by federal institutions, the *Official Languages Act* should be amended to expressly require that the obligation set out in section 30 involve communication through the use of official language minority community media and further require that such communication be truly equal in quality. Here then, for your consideration, is the first draft of a modernized section 30 (underlining is used to indicate additions to the Act, strikethrough to identify deletions):

⁴³ See: Standing Senate Committee on Official Languages, *Evidence*, 42nd Parliament, 1st Session, 16 October 2017, p. 15:8 (Pierre Foucher).

Mode de communication

30 Sous réserve de la partie II [Débats et travaux parlementaires], les institutions fédérales qui, sous le régime de la présente partie [Communications avec le public et prestation des services], communiquent avec le public dans les deux langues officielles sont tenues d'utiliser les médias qui leur permettent d'assurer, en conformité avec les objectifs de la présente loi, une communication efficace et de qualité réellement égale avec chacun dans la langue officielle de son choix, et les médias communautaires de langue officielle en situation minoritaire.

Manner of communicating

30 Subject to Part II [Legislative and Other Instruments], where a federal institution is engaged in communications with members of the public in both official languages as required in this Part [Communications with and Services to the Public], it shall communicate by using such media of communication as will reach members of the public in the official language of their choice, and official language minority community media, in an effective, ~~and~~ efficient, and substantially equal manner that is consistent with the purposes of this Act.

- [30] **Third**, the Consortium requests that your committee recommend that Parliament modernize the implementation architecture of the *Official Languages Act* to require real interdepartmental joint action. At present, federal departments and institutions implement the Act in isolation and too often shift responsibilities to each other. Nevertheless, joint action is necessary to implement the obligations imposed under the *Official Languages Act*; such coordination must be orchestrated by a central agency vested with the powers required for this task.
- [31] The House of Commons Standing Committee on Official Languages concluded in its June 2018 report that the “issue of support for [official language minority community] media shows that the success of Canada’s Official Languages Program depends in large part on the leadership of federal institutions, including those that have horizontal coordination obligations in the area of official languages.” The Committee added that “breaches of the *Official Languages Act*, misunderstandings of the horizontal coordination role that certain federal institutions must play in official languages matters and failures to apply the principle of substantive equality have endangered a sector that is vitally important to [those communities].”⁴⁴
- [32] Even if Parliament were to deliver on all of the requests made by the Consortium on behalf of its 72 members, if they are to truly achieve their desired effects these changes must be accompanied by a profound reorganization of the implementation architecture of the *Official Languages Act* in order to ensure that it is ultimately applied by federal institutions. The Consortium therefore wholeheartedly supports and embraces as its own the request made by the Fédération des communautés francophones et acadienne for Parliament to designate the Treasury Board as the institution responsible for implementing the *Official Languages Act*.⁴⁵

⁴⁴ Standing Committee on Official Languages, *Media in the Digital Age*, *supra*, p. 30.

⁴⁵ Fédération des communautés francophones et acadiennes du Canada, [Giving New Momentum to Canada’s Linguistic Duality! For a Modern and Respected Official Languages Act](#), 26 March 2018, para. 24–62.