



15th Legislative Assembly of the Northwest Territories

Standing Committee on Accountability and Oversight

Report on the Review of the Languages
Commissioner's Annual Report 2003-
2004

Chair: Mr. Kevin Menicoche



Northwest
Territories

Legislative Assembly
Standing Committee on Accountability and Oversight

OCT 14 2004

SPEAKER OF THE LEGISLATIVE ASSEMBLY

Mr. Speaker:

Your Standing Committee on Accountability and Oversight is pleased to provide its Report on the Review of the Languages Commissioner's Annual Report 2003-2004.

A handwritten signature in black ink that reads "K Menicoche".

Kevin Menicoche, MLA
Chairperson

MEMBERS OF THE STANDING COMMITTEE ON ACCOUNTABILITY AND OVERSIGHT

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MLA Nahendeh
Chair

Robert Hawkins
MLA Yellowknife Centre
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**STANDING COMMITTEE ON
ACCOUNTABILITY AND OVERSIGHT**

**Report on the Review of the Languages Commissioner's
Annual Report 2002-2003**

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Review of the Languages Commissioner's Annual Report 2003-2004

HISTORY

The *Official Languages Act* was passed by the Legislative Assembly of the Northwest Territories in 1984. The Act guarantees equal status for the use of Canada's two official languages for members of the public using government programs and services. The Act also officially recognized the Aboriginal languages spoken in the Northwest Territories.

In 1990 amendments to the Act gave greater status to northern Aboriginal languages and recognized the need to protect Aboriginal culture through the promotion of the use of Aboriginal languages. The 1990 amendments also included the creation of the position of the Languages Commissioner to be appointed by the Legislative Assembly for a term of four years.

REVIEW OF THE *OFFICIAL LANGUAGES ACT*

Section 29(1) of the Act required a review of the *Official Languages Act* following December 31, 2000. A Special Joint Committee was established in November of 2000 to examine the effectiveness of the current legislation to protect both Canada's official languages and the Aboriginal languages of the Northwest Territories. The Special Committee on the Review of the *Official Languages Act* (SCOL) presented its final report, *One Land, Many Voices*, to the Legislative Assembly in March 2003. It contained 64 recommendations, which were adopted by Committee of the Whole, including several recommendations to amend the Act. As a result of the Committee's recommendations, Bill 31, passed in October 2003, introduced 5 major changes to the Act.

The changes are:

1. First, Inuinnaqtun, Inuvialuktun, North Slavey and South Slavey are now identified as official languages. Prior to this change, these languages were not recognized separately in the Act. Only Slavey and Inuktitut were identified.
2. The establishment of an Official Languages Board, an Aboriginal Languages Revitalization Board and a Minister Responsible for the *Official Languages Act* will allow the Languages Commissioner to focus on the ombudsman-like role of that Office. The role of promoting languages will now be the responsibility of the Minister and the new Boards.

3. A new Official Languages Board will be established with membership from each of the Chipewyan, Cree, Dogrib, English, French, Gwich'in, Inuinnaqtun, Inuktitut, Inuvialuktun, North Slavey and South Slavey language communities. Members will be nominated by each of these language communities and appointed by the Commissioner on recommendation of the Minister for appointment. The purpose of this board will be to review the rights and status of each of the Official Languages and their use in the administration and delivery of services by government institutions. It may also evaluate the provisions of this Act. This board will advise the Minister.
4. A new Aboriginal Languages Revitalization Board will also be established with representation from all of the official languages except for French and English. Members will be nominated by the respective language communities and appointed by the Commissioner on recommendation of the Minister. This Board will review programs of the communities and the government to promote and add a new spark to Aboriginal Languages. They will also review the effectiveness of this Act and advise the Minister on these matters.
5. And finally, the amendments passed last fall set out the responsibilities of the Minister responsible for the Official Languages. The responsibilities of the Minister are to:
 - a) Consider the recommendations from the both the Official Languages Board and the Aboriginal Languages Revitalization Board;
 - b) Oversee the development of policies and regulations necessary to implement this Act and evaluate them;
 - c) Promote Official Languages communication in schools and post - secondary institutions and in adult education and literacy training programs; and
 - d) Produce reports on the activities of the two language boards.

LANGUAGES COMMISSIONER

According to Section 20(1) of the Act the duties of the Languages Commissioner are:

...to take all actions and measures within the authority of the Languages Commissioner with a view to ensuring recognition of the rights, status and privileges of each of the Official Languages and compliance with the spirit and

intent of the Act in the administration of the affairs of government institutions, including any of their activities relating to the advancement of the Aboriginal languages in the Territories.

The Commissioner has the authority to investigate any complaints made to the office or may initiate an investigation if it is warranted. The Commissioner may also issue opinions on complaints and make recommendations to institutions as deemed necessary. If, after a reasonable amount of time, the Commissioner's recommendations have not been acted upon by the institution, the Commissioner may make a report to the Legislative Assembly.

The Commissioner is also required to submit an annual report to the Legislative Assembly. Ms. Fbbie Tattie was appointed to the position of Languages Commissioner in July of 2000 and her term expired in July of 2004. Ms. Shannon Gullberg is currently serving as the Acting Languages Commissioner pending recruitment of a new Commissioner.

ANNUAL REPORT 2003-2004

Ms. Tatti submitted her annual report for the year 2003-2004, which was tabled in the House on June 2, 2004. The Standing Committee on Accountability and Oversight met to review the report on June 24, 2004. The Committee would like to thank Ms. Tatti and her staff for presenting the report.

RECOMMENDATIONS

The Languages Commissioner made 3 recommendations in her Annual Report. The recommendations are listed below, along with the Committee's responses.

Recommendation # 1

It is recommended that the current members of the OLC Advisory Board continue their role on the two new Advisory Boards as identified by the recommendations of the Special Committee on the Review of Languages (SCOL).

The Committee strongly supports the Languages Commissioner's recommendation and wrote to the Minister of Official Languages asking him to give special consideration to former Advisory Board members when appointing people to the Official Languages Board and the Aboriginal Languages Revitalization Board. The Minister replied that he has asked for nominations from all the language communities, and that he would consider the Committee's suggestion in the event that a language community nominates more than one person for one Board.

Recommendation # 2

Archiving artifacts must be done with their history, explanation and the language in which it was developed. It is strongly recommended by the Official Languages Commissioner that the Prince of Wales Northern Heritage Centre role be increased and that they be given the financial resources to be able to perform the important task of archiving living artifacts.

The Standing Committee encourages the new Aboriginal Languages Revitalization Board to review this recommendation.

Recommendation # 3

It is recommended by the Languages Commissioner of the NWT that the \$100,000 be restored to the Legislative Assembly Language funding.

The Standing Committee understands that while \$100,000 was taken out of the Language Commissioner's budget in 2003-04 as part of the government-wide cost reduction exercise, the money was reinstated into the base in 2004-2005.

However, because the Language Commissioner's promotional responsibilities have been transferred to the Minister and the new Boards effective July 2004, the Language Commissioner's budget was reduced by \$156,000 for 2004-2005. \$100,000 of this was transferred to the Department of Education Culture and Employment for the new Boards, and \$56,000 was returned to the Consolidated Revenue Fund.

REVIEW OF LANGUAGES COMPLAINTS

The Standing Committee was disappointed to see that the Languages Commissioner's 2003-2004 Annual Report still contained very little information about the nature of languages complaints both from prior and present years.

While the Languages Commissioner explained that information about complaints is confidential, the Standing Committee still thought that general information regarding the type of language involved in complaints, the location of complainants and the process used to mediate said complaints could be provided to them.

As the previous Standing Committee of the 14th Assembly reported in their Review of the Language's Commissioner Annual Report, 2001-2002,

As the previous Standing Committee of the 14th Assembly reported in their Review of the Language's Commissioner Annual Report, 2001-2002, "without information with which to better understand the concerns being raised by the public, the Standing Committee is at a loss to assess the actions of the Commissioner".

The Committee has since received additional information from the Languages Commissioner on the complaints submitted to the Office in 2003-2004.

APPENDICES

In addition to the recommendations outlined above, the Languages Commissioner provided responses to the recommendations contained within The Final Report Of The Special Committee On The Review Of The Official Languages Act (Appendix 1).

The Languages Commissioner also provided a Legal Opinion To The Office Of The Languages Commissioner on how the Amendments to the Official Languages Act May Change The Office Of the Language Commissioner (Appendix 3).

The Committee would like to comment on two of the issues that were raised in these sections of the report.

Official Languages Board and the Aboriginal Languages Revitalization Board

The Committee engaged in considerable discussion regarding the rationale for the creation of the two new boards, and intends to address its concerns with the Minister Responsible for Official Languages in the near future.

Languages Commissioner Replacement

The Committee recommends that the replacement for the Languages Commissioner should be able to speak at least one of the Official Languages.

ADDITIONAL INFORMATION

Following its public hearings on the Report, the Committee asked for and received the following information from the Languages Commissioner:

- A copy of the Navajo Language research project report
- Information on other research projects

- Additional information on travel by the Languages Commissioner and staff.

The Committee also asked for and received more detailed information on the expenses of the Office of the Languages Commissioner from the Office of the Clerk.

CONCLUSION

The Standing Committee on Accountability and Oversight would like to thank the Languages Commissioner and her staff for the 2003-2004 Annual Report.