



Reports of Standing and Special Committees

**Standing Committee on
Oversight of Government Operations and Public Accounts**

***Report on the Review of the
2010-2011 Annual Report of the Languages Commissioner of Nunavut***

**Third Session of the Third Legislative Assembly of Nunavut
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Mr. Speaker, I have the honour today of presenting the report of the Standing Committee on Oversight of Government Operations and Public Accounts on its review of the 2010-2011 Annual Report of the Languages Commissioner of Nunavut.

Mr. Speaker, Ms. Alexina Kublu is the Languages Commissioner for Nunavut. She assumed her duties as Languages Commissioner in January of 2009, and is now more than halfway through her term.

The Languages Commissioner's responsibilities are established by two pieces of Nunavut legislation: the *Official Languages Act* and the *Inuit Language Protection Act*. It is important to note that Nunavut's new *Official Languages Act* is not yet in force in the territory. In addition, certain sections of the *Inuit Language Protection Act* come into effect at different times.

The Languages Commissioner of Nunavut has three main areas of responsibility: the investigation and resolution of complaints relating to language rights, providing guidance and support to various bodies and institutions, and the administration of her office.

As you will recall, Mr. Speaker, the Languages Commissioner's Annual Report for 2010-2011 was tabled in this House on October 18, 2011.

The Standing Committee held its hearings on the Languages Commissioner's report from November 22 to 23, 2011. Committee Members were pleased to have had the opportunity to discuss various issues relating the Languages Commissioner's mandate and the activities of her office. The hearings were open to the public and news media to observe and were broadcast on local cable television. Transcripts from the Standing Committee's hearings were posted to the Legislative Assembly's website.

Mr. Speaker, the Standing Committee reviewed the 2008-2009 and 2009-2010 Annual Reports of the Languages Commissioner in September of 2010. The Standing Committee presented its report of this review on October 28, 2010 and brought forward a number of recommendations. Committee Members have noted that while some of those recommendations appear to have been taken into consideration in the 2010-2011 Annual Report of the Languages Commissioner, others have not.

Mr. Speaker, this was Ms. Kublu's second appearance before the Standing Committee. The Standing Committee's review builds on themes that emerged in its prior review of the Languages Commissioner's annual reports.

Mr. Speaker, the duties, responsibilities and authority of the Languages Commissioner are established in legislation. Nunavut's new *Official Languages Act* which was passed in this House in 2008, is not yet in force. The *Official Languages Act* that is in force today, was inherited upon division from the Northwest Territories. The *Inuit Language Protection Act* was also passed in this House in 2008, and some sections of the *Inuit Language Protection Act* are also not yet in force. The status of the various pieces of legislation has led to some confusion with respect to the current mandate of the Languages Commissioner and the extent to which she is able to pursue certain activities.

Standing Committee Recommendation #1:

The Standing Committee recommends that the Languages Commissioner take the opportunity provided with the presentation of her annual reports, during appearances before the Legislative Assembly and in other formal appearances to clearly express the current status of her mandate with respect to Nunavut's language legislation.

The Standing Committee maintains the view that in order to gain a greater appreciation of the workload and focus of resources within the Office of the Languages Commissioner as well as the effectiveness of her role, a significantly greater level of detail regarding the activities undertaken by the Languages Commissioner Office should be included in the annual report.

Standing Committee Recommendation #2:

The Standing Committee recommends that the Languages Commissioner records, measures and analyzes the nature, type and number of activities conducted by her Office on an annual basis and provides a clear and detailed summary of these, includes detailed statistics as well as other supporting information in her annual reports.

The Standing Committee appreciated the level of description provided for the various activities conducted by the Office of the Languages Commissioner in 2010-2011. For some activities, however, the intended purpose or objective of the initiative was left somewhat vague or unclear. Members further noted that certain statements made in the Annual Report were broad generalizations that did not appear to be substantiated by factual information or specific analysis.

Standing Committee Recommendation #3:

The Standing Committee recommends that the Languages Commissioner and her staff work to create benchmarks with specific objectives and establish criteria with which to evaluate progress towards meeting those objectives as they support language rights, and to report on her Office's progress towards those benchmarks in her annual reports.

With respect to the investigation and resolution of concerns relating to language rights, the Languages Commissioner's 2010-2011 report indicated that her office had received a total of 12 concerns during the year, two of which were inadmissible. While the report did provide some detail on the nature of the concerns it was not clear how the investigative process was followed for each case.

Standing Committee Recommendation #4:

The Standing Committee recommends that the Languages Commissioner includes in her annual report a detailed summary of the application and results of the procedure followed for each investigation conducted by her Office.

Mr. Speaker, the Languages Commissioner's 2010-2011 Annual Report indicated that systemic investigations into language services provided by the Department of Health and Social Services and the Department of Human Resources would be conducted once the new *Official Languages Act* comes into force.

Standing Committee Members expressed some concern that the 2010 – 2011 Annual Report of the Office of the Languages Commissioner did not provide any specific detail for which criteria were met in order to determine the need for such investigations and further, did not include any detail with respect to the focus or process for conducting the investigations.

Standing Committee Recommendation #5:

The Standing Committee recommends that the Languages Commissioner includes a detailed explanation of criteria used to determine the requirement for systemic investigations, the proposed process for conducting the systemic investigations and the results of any systemic investigations undertaken in her next annual report.

It is important that the Languages Commissioner clarify her working relationship with entities such as government departments and institutions, Inuit organizations, language stakeholder organizations as well as with the Minister of Languages. For example, Standing Committee members noted a number of references in the Languages Commissioner's Annual Report to the fact that the new *Official Languages Act* is not yet in force, however it was not clear what steps her Office had taken to engage the Minister of Language or other government representatives to address this issue.

Given that it is a part of the Languages Commissioner's mandate to provide advice to the Minister of Languages, government departments and institutions on language-related issues, the Standing Committee anticipates that the Languages Commissioner will increase her efforts in this area and report on them in the future.

Mr. Speaker, during the Languages Commissioner's appearance before the Standing Committee, Committee Members were pleased to note significant progress in providing assistance and support to the private sector in anticipation of upcoming language service requirements. In fact, Committee Members noted that the only recommendations in the Languages Commissioner's 2010-2011 Annual Report addressed the needs of the private sector. Standing Committee Members encourage the Languages Commissioner to continue to work with non-government entities regarding the requirements of the *Inuit Language Protection Act*. Members further encourage the Languages Commissioner to place a priority on assisting entities to meet legislated requirements in industries where public safety issues are critical, such as the mining industry and the airline industry.

During the Languages Commissioner's appearance, Standing Committee Members continued to raise a number of issues with respect to language services provided by federal entities and or federally-regulated agencies which deliver services in Nunavut, such as banks, airlines, and post offices. Mr. Speaker, the Committee encourage the Languages Commissioner to give thorough consideration to this issue and be better prepared to provide informed and evidence-based advice, direction and mediation in this area.

Standing Committee Recommendation #6:

The Standing Committee recommends that the Office of the Languages Commissioner be prepared to substantively address issues relating to the delivery of services in the territory's official languages by federal and federally-regulated entities.

Mr. Speaker, the mandate of the Office of the Languages Commissioner is supported by a budget which is approved by the Legislative Assembly of Nunavut. In its report on the review of Languages Commissioner's 2009-2010 Annual Report, the Standing Committee on Oversight on Government Operations and Public Accounts had recommended that the Languages Commissioner prepare a detailed business plan and budget to support the mandate of her Office. The Standing Committee understands that the Languages Commissioner's 2012-2015 Business Plan and Budget much more closely conforms to current standards and commends the Languages Commissioner and her staff for significant improvements in this area.

Mr. Speaker, that concludes the Standing Committee's report. I move that the report of the Standing Committee be received by the House.

Thank you, Mr. Speaker.