Standing Committee Ajauqtiit
Ministerial Appearance on Bill 6,
Official Languages Act and Bill 7, Inuit
Language Protection Act
Iqaluit, Nunavut
December 5, 2007

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በረለሲ 5, 2007

Members Present:

Hunter Tootoo James Arvaluk James Arreak Steve Mapsalak Peter Kattuk Levi Barnabas

Staff Members:

John Quirke Leetia Nowdluk Sue Cooper

I/T Personnel:

Blandina Tulugarjuk Mary Nashook Gwen Angulalik James Panioyak Saran Toure Bangoura Etienne Denis

Witnesses:

Minister Louis Tapardjuk Phoebe Hainnu Naullaq Arnaquq Stephane Cloutier Norman Tarnow

>>Committee commenced at 9:02

Chairman (Mr. Mapsalak)(interpretation): Good morning. Welcome to the meeting. Mr. Evyagotailak, if you would like to lead us with the opening prayer.

>>Prayer

Chairman (interpretation): Thank you,

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Mr. Mr. Evyagotailak. Good morning and I welcome the minister and his officials, and I also would like to welcome the people who came here to observe the hearings while we are dealing with the bills.

I am pleased to make some opening comments as we begin our second round of hearings on Bill 6, the proposed *Official Languages Act* and Bill 7, the proposed *Inuit Language Protection Act*. I'm forgetting something. So I had forgotten to approve the agenda. Item 2 is the Review and Adoption of the Agenda. Do you agree?

Some Members: Agreed.

Chairman (interpretation): Thank you. Item 3. Chair's Opening Comments. I will start with a good morning and welcome. We will hold this hearing today for the appearance of the Minister of Culture, Language, Elders and Youth, the Honourable Louis Tapardjuk.

For the public record, I would first like to introduce the other Members of the Standing Committee *Ajauqtiit*. With me today are James Arreak, Member for Uqqummiut and Co-Chair of the Committee, James Arvaluk, Member for Tunnuniq, Joe Allen Evyagotailak, Member for Kugluktuk, and Peter Kattuk, Member for Hudson Bay. We are also joined by Alternate Members and I'm very pleased to have them here with us as they were involved with the first hearing, Levi Barnabas, Member for Quttiktuq and Hunter Tootoo, Member for Iqaluit Centre.

We are very pleased that the minister has agreed to appear before the standing committee today. This is the first time during this Assembly that a minister has appeared in public before a standing

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During the most recent sitting of the Legislative Assembly, the standing committee presented its interim report on the review of Bills 6 and 7. The committee also tabled the written submissions that have been received to date, as well as the transcripts from its recent public hearings that were held in this Chamber.

The standing committee anticipates that the minister will have had the opportunity to review the different perspectives and recommendations made by the presenters.

The standing committee received a number of comments and recommendations during its recent public hearings. Presenters made a number of recommendations, including: (interpretation ends)

- That Inuktitut should be equal to English and French in all areas;
- That the *Official Languages Act* should be more like Quebec's Charter of the French Language;
- That Inuktitut should be the language of instruction for all subjects at all grade levels in Nunavut's public schools:
- That the penalties for non-compliance with the legislation should be strengthened;
- That the timeframe for implementing some sections of the Act relating to the

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Inuit language of instruction should be accelerated; and

• That the role of the Languages Commissioner of Nunavut should not be limited to investigating complaints of violations of the legislation.

It is evident that Nunavummiut are very passionate about their language. The standing committee is committed to working towards the best possible legislation for our territory. This is why we have asked the minister to appear before us today.

I would like to remind everyone that the standing committee does not plan to undertake a clause-by-clause review of the bills during these meetings. The purpose of these hearings is to give us an opportunity to explore with the minister the issues that have emerged to date during the standing committee's scrutiny of the bills. I would also like to remind everyone that these hearings are being broadcast and recorded for the public record.

This concludes my opening comments. Before proceeding to members' comments and questions, I would invite the minister to make his opening statement to the standing committee. Thank you.

(interpretation) Minister Tapardjuk, do you have any opening comments?

Hon. Louis Tapardjuk (interpretation): Yes, I do, Mr. Chairman. I am very pleased to be here on this occasion. I congratulate *Ajauqtiit* for the decision to hold this special session on the new language legislation. It is crucial that we hold open discussions on something of such importance to the people of Nunavut.

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Language is at the centre of our existence as Nunavummiut. It speaks of who we are and who our people are. Our language is with us when we are awake and in our dreams. It is how we communicate with our community, with elders, and our children. It is how we want to communicate with our children for generations to come. It is an essential part of what makes us Inuit.

The survival of our Inuit language is crucial to our survival as a people. But, I see its foundations becoming weaker with time. We as Inuit want to use our language but it becomes more difficult with the many outside influences and the communications media that now overwhelm us. I note the frustration of elders and others in communities as they see more children at risk of losing their language.

Mr. Chairman, I watched the struggles from both outside and within government to deal with language issues. It is one of the most important and most difficult tasks this government has had to address. Thus it is with pride that I speak of the two pieces of language legislation before you. They are the result of one of the most extensive consultation processes undertaken since the creation of our territory. That work has involved legislative committees, Inuit organizations, Francophone organizations, municipal governments, businesses, federal authorities, education authorities and the

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public.

We have considered all the information we received very carefully. The government believes that what is now before *Ajauqtiit* provides the best possible answers we can give to the many issues and concerns raised about language. Most importantly, it provides us with the much needed legal tools to protect and enhance our language.

Mr. Chairman, these are unique documents that provide for the protection and enhancement of our Inuit language and also protect English and French. The Inuit language protection exceeds any other legal protection in place for an Inuit or other aboriginal people of Canada. This legislation is very powerful and will have the same status as the Nunavut Human Rights Act and the Charter of the French Language in Quebec. That means the status of these laws will be higher than other ordinary laws and cannot be reduced, avoided, or repealed other than by the Legislative Assembly. These laws must always be interpreted in a manner consistent with the objectives of protection and promotion of the Inuit language.

Mr. Chairman, I would like to briefly provide highlights of the most important benefits of the legislation. Bill 7, the *Inuit Language Protection Act*, describes and supports the key importance of the Inuit language to Nunavut. It will:

- provide the most important elements to ensure that the Inuit language is at the centre of work, education, and daily life
- ensure that services to the public such as signs, posters, advertising, reception and customer services are offered in the Inuit language throughout Nunavut
- ensure that communication with the

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- public regarding essential, household, residential and hospitality services are in the Inuit language including bills, notices, warnings, and instructions
- make it clear that municipal services must be offered in the Inuit language
- protect the existing rights of English and French speakers
- set the standard for the proposed new *Education Act* by ensuring the right to an education in the Inuit language for any student and emphasizing that students should graduate with proficiency in Inuit language
- emphasize the importance of early childhood education in the Inuit language and support the development of materials and standards
- support adult education in the Inuit language and the development of related materials
- place a priority on language revitalization in the Inuinnaqtun speaking communities
- ensure the right to work in the Inuit language in the Government of Nunavut public service and support language instruction to ensure proficiency
- establish *Taiguusiliuqtiit*, which will become a fully independent body and will be the authority on Inuit language use with responsibility to develop and standardize Inuit language terms and provide assistance to organizations on proper language use
- increase the key responsibility of the Languages Commissioner to investigate complaints about language practices and order

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- remedies, while retaining the role to raise awareness of language rights
- and for the first time, it gives a minister legislated responsibility to promote Inuit language and mandates support through policies and programs.

When the proposed *Official Languages Act* is approved by Parliament, it will do the following:

- establish the Inuit language as an official Language of Nunavut along with the present English and French and affirm the inherent right to use the Inuit language in full equality with English and French
- protect existing aboriginal rights under section 35 of the Constitution
- protect existing rights of English and French speakers
- require implementation plans be established to support the use of all official languages
- ensure that the discussions, records and journals of the Legislative Assembly are published in the Inuit language in addition to English and French and have equal authority
- give Cabinet authority to designate Inuit language translations of laws as legally authoritative and, over time, provide for the legally authoritative versions of Acts and regulations in the Inuit language
- ensure that legal proceedings in courts and other legally mandated tribunals can be conducted in the language of choice, or in Inuktitut, or any of the official languages
- require that signs and written documents for the public from the Government of Nunavut, the Legislative Assembly, judicial

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- bodies, and all Nunavut public agencies are provided in the Inuit language along with the other official languages
- ensure that sufficient government staff positions are designated to serve the public in all the official languages
- and require a review of the success in implementation of both new Acts every five years.

It is important to note that the changes to the *Official Languages Act* to make the Inuit language official in Nunavut are significant. Under the federal *Nunavut Act* they require the agreement of the Parliament of Canada. In addition, under the federal *Nunavut Act*, we cannot do anything that would reduce the status, rights and services provided to English and French speakers.

Mr. Chairman, I realize that questions have been raised about some proposed sections of the Act. I have reviewed the concerns and believe they can all be addressed and should not get in the way of moving forward with the overall package. For instance, the need to have legally authoritative Inuit language versions of all Acts and regulations has been raised. While this will happen over time, the challenges are significant. The staff time, expertise, and new terminology required to produce authoritative versions in the Inuit language are enormous. More importantly, it is critical that Nunavut establish priorities for the use of its resources with wisdom and foresight. The government sees education in the Inuit language, government services in the Inuit language, and all other

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I know there are those who want to work more rapidly on implementation of language changes in education. After consultation with my colleague, the Minister of Education, it is clear that work has already begun, but much remains to be done in both curriculum development and teacher training. That work is substantial and costly. To try to rush it too fast would endanger the quality of education and strain the capabilities of an already hard pressed system. I believe the time frame recommended by the Minister of Education is realistic and appropriate.

I agree that Education is one of the keys for the survival of the Inuit language among our youth. We can now better appreciate the newly introduced *Education Act* that describes how schools will implement the fundamental Inuit language rights established by Bill 7, the *Inuit Language Protection Act*. Both bills work together and support the Inuit language as a primary language of instruction in our schools, with an emphasis on strong educational outcomes.

There are those who wish to see more mandatory requirements in the legislation for public servants to learn the Inuit language and to extend the right to work in the Inuit language to the private sector. While the end result of this is desirable, I believe the best means to get there are through incentives and cooperation, not by compulsion. I also believe it is best that

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government lead by example, which is why the workplace parts of the legislation initially focus on the government sector. As we demonstrate how the system can work others will follow.

There are also some issues around the role and status of the Languages Commissioner and the role of the minister. This may benefit from some more detailed discussion of the roles I see for both.

Mr. Chairman, the government and the Legislative Assembly together have spent eight long years getting to this point. Before that, Inuit spent many years working on the creation of Nunavut. While we did this important and necessary development work, we watched as more of our children lost their Inuit language as the influence of English became stronger. That need not continue to happen. I am very excited at the opportunity that these two bills present to implement our dream of a Nunavut where the Inuit language is at the centre of daily life, work, and education. Now is the time to take decisive action to make these tools available to support our language. If we do not act now, language loss will continue to accelerate.

The bills may not be perfect. In fact, legislation may never be seen to be perfect by all concerned because of the complex issues involved and the strongly held views. But, I am confident that what we have presented will work and the initiatives set out in the legislation can be done in a realistic time. This legislation will ensure that the Inuit language is at the centre of daily life and work in Nunavut. It will safeguard the future for our children so that

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Mr. Chairman, we must put differences on small points aside and agree on the major elements. Both the government and *Ajauqtiit* have consulted, we have worked with our partners, we now must act based on our best understandings of the issues and on what we are able to accomplish and can afford to do.

With these two pieces of legislation in place we will move forward and gain experience. We may find some things that don't work as well as expected and areas where more emphasis is needed. Those changes can be made and elements added later. An important part of both pieces of legislation is a review to take place every five years by the Legislative Assembly or committee that it designates. This review will look at administration, implementation, and effectiveness and provides an opportunity to recommend amendments if they are required to improve the legislation based on the results.

Mr. Chairman, our children and elders can not wait any longer. We must act now so that Inuit language takes its rightful place at the center of all aspects of life in Nunavut and to stop the weakening and loss of our language. I know that the Members of *Ajauqtiit* share this concern and I look forward to hearing your comments and suggestions. I commit to working with *Ajauqtiit* to address any significant issues so that the legislation can return to be dealt with in the next sitting of the Legislative Assembly. I am confident

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that is possible.

Mr. Chairman, thank you for this opportunity to speak and I look forward to addressing the questions from members. Thank you.

Chairman (interpretation): Thank you, Minister Tapardjuk. Item 5 on the Agenda. Members' General Comments. Mr. Arvaluk.

Mr. Arvaluk (interpretation): Thank you, Mr. Chairman. I would like to welcome the minister and his officials to the Chambers of the Legislative Assembly and to the public hearings of the committee.

I think we all know Bills 6 and 7 are very important bills, especially Bill 6, which is recognizing the Inuit language, because of course, we all realize that the Inuit language has always been put in the background, and as you stated, Bill 7 does have to be implemented.

Since the federal government, there was a time when there was assimilation in the past and there was a time when the Inuit children were taken into hostels and residential schools. At that time, the government tried to abolish to use of Inuktitut and the Inuit culture. We also realize that there were people who went from the Aklavik area, who went to residential school and they were at that school at the age of six and returned as adults not being able to speak Inuktitut.

There was a time in the boarding schools that we were not allowed to speak Inuktitut. I am so grateful that Inuit Tapiriit Kanatami took the time to promote the use of the Inuit language and to regain the use of the Inuit culture, reversing the damage

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the federal government had done.

We also realized that it's not only the Inuit. There are also the Aboriginal groups in Canada who also went through that same process and lost their first language. We also know and we have seen the Inuit language that cannot protect itself; we can't keep using the Inuktitut language without practicing it.

And, through the use of the ingenuity of the Inuit and the elders, and for using the Inuktitut language in the schools, it is still vibrant, but through Bill 7, it would be for the protection of the Inuit language and is essential that we have piece of legislation protecting the use of the Inuit language.

We also know that Bill 6 and Bill 7 will have to be worded very strongly. These two can't just be words on a piece of paper and it will also have to be entrenched into the *Charter of Rights* and also be approved by the federal government.

While we work at the Legislative Assembly, and those of us who receive correspondence from Nunavummiut, on a daily basis, we receive about 20 pieces of correspondence. They're all written in English, and then they're filed and taken care of properly. With the Inuktitut correspondence, they are usually not filed and not put into their categories.

Later on today, we will want to ask some questions but I did want to make a comment on Bill 7 which is essential and also Bill 6. They do have to be strongly worded, and if we can't use them, it's not going to be passed by the Legislative Assembly. With that, you, as the minister, and we, as the Standing Committee *Ajauqtiit*, would like to work together in order to make it strongly worded. Thank

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Chairman (interpretation): Thank you, Mr. Arvaluk. Are there any general comments from members? (interpretation ends) Mr. Tootoo, go ahead.

Mr. Tootoo: Thank you, Mr. Chairman. I welcome the minister and his officials to the hearings. I listened carefully to the minister's opening comments, and as always, I'm always listening and looking for general comments that are made.

You mentioned in your opening comments that you considered all of the information that you received very carefully. We have heard that over and over again, you say, "We're always willing to listen," but are we going to do anything with what we've heard is another question altogether. From some of the concerns that other presenters in our last hearings made to us, basically, they were falling on deaf ears.

One of the other concerns I have from your comments is there's a lot of things in there where you can decide what sufficient resources are, whose determination of what sufficient is, it's not really clear.

Another thing that I heard a lot in here mentioned in your comments, the fact that when you talked about the right to work in the Inuit language in the private sector, and you say, "... the end result is desirable," and then you say, "... I believe the best means to get there is through incentives and cooperation, not by compulstion." And, it seems to contradict what the government has done by forcing some of the senior officials, right in their contracts, to say they have to take it. I'm getting mixed views.

Also, one of the areas of concern that I

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Another area that I have some concerns in it too is the fact that you talk about the role and the status of the Languages Commissioner, and there again you just say, "This may benefit from some more detailed discussion of the roles..." I'd rather have that set out ahead of time and done right, that everyone's happy with rather than, "Well, if this passes, then we can talk about it later."

I've seen over the years a lot of the legislation that our government has brought forward, mind you, this is probably the first one in this Assembly, but in previous years, it seems like a lot of the control and authority has been taken back into the government instead of like right now, the Languages Commissioner is an independent officer of the Assembly. He or she has a large role to play.

I see in this legislation where that control, that authority and that power being sucked back into the government. That's something that I look for in any legislation where if they look at the *Education Act*, for example, the roles and responsibilities of the District Education Authorities. The last

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attempt of the *Education Act* had all that stuff being sucked back into the government and the only thing, basically, the DEAs were there for was to be police officers, pretty much; handle all the bad stuff. I see the same thing happening here in these Acts with the Languages Commissioner. So that's a concern to me.

Also, where you mentioned that it's not perfect, I'll agree with you there that it's not perfect but it worries me. You also say, "Well, it's required to be looked at every five years," so whatever we put forward, we're stuck with it for five years. I'd rather go through it and make sure that those things that could cause us problems are solved prior to the bill being passed so that we don't have to deal with it for five years.

I believe if you're going to do something, do it right. Don't just rush through to get it done because we're running out of time in our terms. I can appreciate the effort and the work that has gone into putting this together. If you look in some cases, important legislation like this, I know in other jurisdictions, or *Education Acts*, for example, it's taken 15 years to get developed and to get done right.

I want to be very careful. I'm not saying I support the idea and the concept behind both these pieces of legislation, but I feel that my job is to ensure that we proceed carefully and make sure that things are done the best that we can have given the information that we have.

The concerns raised I think really need to be seriously looked at, we've had concerns raised from NTI, QIA, the Inuit organizations, the Languages Commissioner, IBC, some of the private sector even gave us their submissions. From what I heard from them in our

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hearings is that it seems like we had this working group and as long as we all agree with the government's position, everything was fine, but as soon as you didn't agree with the government's position, then everything wasn't fine.

So I'd like to probe into that more and try and understand maybe, and that's probably what we'll try and get at here today is some of the rationale behind the government's decision to say no to certain issues, or disregard certain issues that were raised by some of the other stakeholders involved. I look forward to get that information out there, and I think that will do is then we've heard one side of the story from other stakeholders and now this is an opportunity for us to hear the government's point of view, and take that information and sort through as a committee and decide where to go from there.

To finish off my opening comments, Mr. Chairman, and I know that I'll have some questions a little later on as we proceed through the hearings. Thank you, Mr. Chairman.

Chairman: Thank you, Mr. Tootoo. (interpretation) Are there any general comments coming from the standing committee members? We'll take a short 15-minute break. I would like to welcome each and every one of you who are in this House. There's coffee available in the Natsiq Boardroom on the first floor here. So the Natsiq Boardroom is open for everyone and we'll have a 15-minute break.

>>Committee recessed at 9:53 and resumed at 10:14

Chairman (interpretation): Thank you. We'll resume the meeting and thank you

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for coming back. We're on Item 5 on our Agenda. When general comments are completed, then we'll move on to questions. I'm sure that there will be questions being posed after the opening comments. Mr. Arreak.

Mr. Arreak (interpretation): Thank you, Mr. Chairman. I also would like to say that I'm pleased to see the minister appear before us to answer questions. I also would like to say that I'm pleased to see the minister appear before us to answer questions. I also would like to welcome the minister and his officials. I will have a few questions in regard to the Language Bills.

The proposed legislation would designate one minister as the "Minister of Language." The standing committee has heard different suggestions regarding which Minister should be given this portfolio; the Minister of CLEY, a separately designated minister, or the Premier. What was the reason for this section and will creating a "Minister of Language" change the role of the current Department of Culture, Language, Elders and Youth?

Chairman (interpretation): Thank you, Mr. Arreak. Minister Tapardjuk, if you can respond.

Hon. Louis Tapardjuk (interpretation): Thank you, Mr. Chairman. Prior to me responding, I forgot to introduce my officials. For the record, to my left, Phoebe Hainnu, my deputy minister, and also to my right, Naullaq Arnaquq, assistant deputy minister, and also to my far left, Stephane Cloutier, he works on the language legislation, and also from the Department of Justice, Norman Tarnow is here with me today.

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Chairman (interpretation): Thank you, Minister Tapardjuk. Mr. Arreak.

Mr. Arreak (interpretation): Thank you, Mr. Chairman. Thank you, Minister. (interpretation ends) What specific departmental resources will need to be established as a result of adopting the proposed legislation? Thank you, Mr. Chairman.

Chairman (interpretation): Thank you, Mr. Arreak. Minister Tapardjuk.

Hon. Louis Tapardjuk (interpretation): If I understood your question correctly, the Minister of Language would be identified. For example, to clarify, there's already a Minister responsible for the Status of Women Council and she's responsible for that.

In regard to language, if Bill 6 and 7 were adopted, the Minister of Language would have to be responsible and we would not have to establish a department for that. The minister would be given more authorities through legislation and the responsibility of languages. That's how the minister would be established, like the portfolio for the Minister of Department of Culture, Language, Elders and Youth. Even though that's the case, it's going to be up to the

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Premier to give the portfolio to any minister. That's how we envisioned it once the bills are enacted.

Chairman (interpretation): Thank you, Mr. Minister. Mr. Arreak, did he respond to your question?

Mr. Arreak (interpretation): Thank you, Mr. Chairman. I would like to ask another question. Would the department need to increase its finances? If this proposed legislation is adopted, would you need further financial resources? Thank you.

Chairman (interpretation): Thank you, Mr. Arreak. Minister Tapardjuk.

Hon. Louis Tapardjuk (interpretation): Of course it will have an impact on most of the departments for education; the Department of Education. We will have to train the teachers who will be Inuktitut languages, and there is also the development of curriculum. It would have an impact on the financial resources and there will have to be an increase. It will also put a strain both on the finances and the human resources.

If there is a requirement for the services to provide services in Inuktitut, it would have an impact. There would also be the establishment of the Inuit Language Authority. Should this piece of legislation be enacted, there would be a significant financial increase. We would assume that once the Languages Commissioner takes on the added responsibilities, there would also be an increase. Once all of the clauses are implemented, we have estimated how much increase there would be on the financial resources.

Chairman (interpretation): Thank you, Minister Tapardjuk. Mr. Arreak.

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Mr. Arreak (interpretation): Thank you, Mr. Chairman. I would like to thank the minister for his response. In your response to the standing committee's letter to you of July 30, 2007, you indicated that significant overlaps between the language promotion activities of the Languages Commissioner, the GN and other organizations have been identified. Can you explain this concern and indicate how Bills 6 and 7 address it? Thank you, Mr. Chairman.

Chairman (interpretation): Thank you, Mr. Arreak. Minister Tapardjuk.

Hon. Louis Tapardjuk (interpretation): If I understood your question correctly, there are two ways; there is the Languages Commissioner, who works under the Legislative Assembly, who is working at arms length. I'm sure that the Languages Commissioner's roles and responsibilities would increase to make sure that the government is adhering to the legislation and he would be like the individual who would be policing it. There are also private organizations and businesses that he will have to look after.

There will also be other implementation processes that we would have there. There's the enactment of the two bills, the Languages Commissioner would do the promotion and enactment, and also informing the people of Nunavut about their rights and their responsibilities.

There will be a significant increase in the roles and responsibilities of the Languages Commissioner. He would also be a mediator between two parties should there be any conflicts or complaints. He or she would also be able to work with the courts, which is presently not in the Act.

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With the Minister of Language, this minister would be responsible for the issue of languages. There is also the agreement between the governments in regard to the issue of language and the issue of Inuktitut and French languages, the agreement would be signed between the two ministers. The Minister of Language would be responsible for the negotiations of this agreement and this individual would also be responsible for the resources provided on the issue of language.

Everything that has to be implemented would be the responsibility of the Minister of Language and the Languages Commissioner. There is one part that is within the government and then there is another part that is outside of the government. They will be the enforcers of these pieces of legislation. Thank you, Mr. Chairman.

Chairman (interpretation): Thank you, Minister Tapardjuk. I believe there's a supplementary question, Mr. Arvaluk.

Mr. Arvaluk: Thank you, Mr. Chairman. I just wanted a little bit of clarification from the minister's response. You wrote a letter to Mr. Mapsalak, our Chairman, with response to his letter to you earlier, I think it was received around October 18, 2007.

In there, you indicated that the role of the minister, whoever the minister is going to be, and the role of the Languages Commissioner, and you were asked by Mr. Arreak that would you be prepared to accept any amendments to Bills 6 and 7 with respect to the issues of language in schools, and if not, why not.

From the first question, you said that the new minister will be enforcing Bills 6 and 7, and the Languages Commissioner will

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be doing a promotion and protection of the language as for Bills 6 and 7. It seemed to be a rich type of responsibility.

In your last comment you said that the Languages Commissioner will have policing powers of those two legislations. He would be able to go to court, or at least tell the authorities that somebody is not following these two bills. And you, on the other hand, or the new minister, will negotiate with the federal government to find additional funding and enforcement of those two bills as required.

It seems to me that you are downgrading the Languages Commissioner's powers. It seems to me that the Languages Commissioner, who reports directly to the Legislative Assembly, that we feel as for these Bills 6 and 7 that they would report to the Legislative Assembly. Now, they will not do that. He will only report that the department or the Government of Nunavut is not following Bills 6 and 7, that's all he will be doing.

Can you clarify for us how you think this is going to benefit the Inuit, who we are trying to protect under Bill 7, that they will have effective programs to protect their language, if you are proposing the way you are proposing? Thank you, Mr. Chairman.

Chairman: Thank you, Mr. Arvaluk. Minister Tapardjuk.

Hon. Louis Tapardjuk (interpretation): Thank you, Mr. Chairman. I would also like to thank Mr. Arreak.

I'm sure the Languages Commissioner would take on added responsibilities as being the protector of rights of languages. To date, the commissioner's roles and responsibilities are identified in the

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proposed Acts. For example, if somebody made a complaint on the issue of languages, for example, if Mr. Arvaluk had a restaurant and the menu is just in English, and there were complaints about people wanting Inuktitut menus, then it would be this individual to make sure that it's done.

The Languages Commissioner's roles and powers would increase in order to rectify the complaints or problems. If Bills 6 and 7 were enacted, this individual would get added powers. He would use the Inuit societal values, the concerns with the issue of languages and language rights, and he could work with the Nunavut Court of Justice. At this time, those are not identified in his present roles and responsibilities but they are added on under Bills 6 and 7.

With the Minister of Languages, this individual would work on the implementation issues, language promotion, or language training, and he would also be responsible for the Inuit Language Authority and the establishment of this authority, and also other added responsibilities as identified under Bills 6 and 7. That would be under the responsibility of the Minister of Language.

What I'm trying to say, Mr. Chairman, is that the Languages Commissioner would be the enforcer within the Nunavut Government. On the other hand, the Minister of Language, as it is within the government, would do the implementation portion of it. There are two responsibilities, one within the government and one outside of the scope of government.

Chairman (interpretation): Thank you, Minister Tapardjuk. A supplementary question, Mr. Tootoo.

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Mr. Tootoo: Thank you, Mr. Chairman. Before I go on to a couple of questions for the minister on his comments on the Languages Commissioner, I want to go back to the first question where he said there's going to be a Minister of Language. Is he not already the Minister responsible for Language? As far as I know, we have one already. Under the way we're set up right now, are you not the Minister responsible for Language as we sit here today? Thank you, Mr. Chairman.

Chairman (interpretation): Thank you, Mr. Tootoo. Minister Tapardjuk.

Hon. Louis Tapardjuk: Can I get Norman to respond to that, please?

Chairman (interpretation): Thank you. Mr. Tarnow.

Mr. Tarnow: Thank you, Mr. Chairman. The minister is the Minister of Language under the current that exist in Nunavut. He doesn't have the powers that he will have under this new legislation however. That's the difference, Mr. Chairman.

Chairman: Thank you. Mr. Tootoo.

Mr. Tootoo: Thank you, Mr. Chairman. So I guess the answer is he is the Minister responsible for Language right now. If there's a separate Ministry of Language, then the Department of CLEY will turn into the Department CEY.

>>Laughter

The next concern I have is again relating to the Languages Commissioner, the position itself, and from what I'm hearing and my understanding of the way it's set up in here is that it's basically just going to be a police officer out there saying that the **Δ⁰/ペ⊳ር⁰**: 'd৮°α广', Γ'C DD. Γσ'C C<'⁰√'.

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government's doing a good job, they're implementing its requirements under the Act, or anyone else out there.

As I mentioned in my opening comments, right now, the Languages Commissioner is an independent officer of the Legislative Assembly, so I don't know if you would have a police officer reporting to the Legislative Assembly, it seems kind of awkward, I would think.

Given that, in your response, you indicated that there would be additional promotional requirements or authority given to the Languages Commissioner, but in your opening comments, you say that it would increase the key responsibility of the Languages Commissioner to investigate concerns about language practices and order remedies.

And, in the Act itself, if you look at section 22, where it talks about the duties of the Languages Commissioner, it says, "... to take all actions and measures within the authority of the Languages Commissioner to ensure that the official language rights, status and privileges are recognized and respecting the officials...," there's nothing, it seems like.

My understanding in layman's terms, I guess, is all of that promotional responsibility and things that are currently mandated with that position right now are going to be sucked back into the government department. Your response about that and then your comment in your opening comments seemed a little contradictory, so I would just like to ask if I could get a clarification on that. Thank you, Mr. Chairman.

Chairman (interpretation): Thank you, Mr. Tootoo. Minister Tapardjuk.

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Chairman: Thank you, Minister Tapardjuk. Mr. Cloutier.

Mr. Cloutier (interpretation): Thank you, Mr. Chairman. I apologize I will be speaking in English. I'm still practicing how to speak Inuktitut. I'm sorry.

(interpretation ends) To respond to the question, what we have under the current *Official Language Act* that we inherited from the NWT, the Languages Commissioner can take all actions and measures that are necessary to ensure that language rights are recognized, and also the duties relating to language, like in implementing these rights by the government, that these duties are performed. This broad duty is still under Bill 6.

So under the proposed *Official Languages Act* - what is being proposed to the Legislative Assembly - the Languages Commissioner is still required to take all actions and measures to ensure language rights are recognized throughout Nunavut. Now, we have, inside the government, municipalities, and also outside the government.

If we hear concerns from Nunavummiut about language use in the government, or in the private sector, the Languages Commissioner has now the extensive power to investigate these concerns. Based on consideration of these and based on his assessment, if promotion is the key to ensure that we resolve that concern, or if it's to do an awareness campaign among

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Nunavummiut about their language rights, under Bill 6, this is a power that the Languages Commissioner retains. He can still take all actions and measures to ensure language rights are performed and are recognized.

Chairman: Thank you. Mr. Tootoo.

Mr. Tootoo: Thank you, Mr. Chairman. It sounds nice but we've heard concerns raised about those responsibilities are being taken away. The other thing is that if, right now, as the independent officer reports to the Assembly, the budget and all of that is determined through the Assembly.

What happens if this comes into force and you say, "Well, we're doing that now," the Department of CLEY or Languages says, "We're doing that now, so we're not giving the Languages Commissioner the budget to be able to do things like that because it's a duplication," and I recall hearing that in your opening comments somewhere on the duplication of roles.

It's all fine and dandy to say, "Oh yeah, the ability is there, but sorry, there is going to be no resources to go along with it for that individual to be able to perform those activities." The way it is right now, there can be some level of assurance that the resources will be there, but under the new scheme outlined in these two bills, I don't have that level of comfort that the resources will be there.

So maybe it's just a comment to think about. If the minister wants to respond to that, he can. Thank you, Mr. Chairman.

Chairman (interpretation): Thank you, Mr. Tootoo. Since it's a general comment, would you like to respond to that? Minister Tapardjuk.

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The Language Bill proposes three separate administrative roles dealing with language issues. I think we have to be clear when it comes to the Language Bills what the roles are. For instance, the Languages Commissioner will ensure compliance of the Government of Nunavut and the private sector organizations. New investigative powers are added, and as well, new non-investigative tools consistent with IQ for difficult cases and enforcement application in the Nunavut Court of Justice will also be available.

The second administrative role falls with the Minister of Language, who will, in selecting and implementing language promotion activities for a variety of GN programs and services.

Also, I think at this point in time, I think it would be wise to add that the government negotiates the Language Cooperation Agreement with Canada and Nunavut. It's a government to government negotiation. It's not between legislative individuals like the Languages Commissioner. It is clear that's it a government to government negotiation when it comes to the cooperation agreement on languages, which, again, will fall under the Minister of Languages.

The third administrative role will fall under *Inuit Uqausinginnik Taiguusiliuqtiit*, will expand the knowledge and expertise available with respect to the Inuit language itself, make decisions and

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recommendations about Inuit language use, development, and standardization.

So I think it will be worthwhile to try to look at the three administrative roles that Bills 6 and 7 will have to be administered. So we have the Languages Commissioner with added power, and then the Minister of Languages for implementation and promotional activities, as well as entertaining proposals from the grants and contributions dealing with language promotion, and so forth.

I think the role of the Languages Commissioner and the Minister of Languages is pretty well spelled out in the two proposed Language Bills. (interpretation) Thank you, Mr. Chairman.

Chairman (interpretation): Thank you, Minister Tapardjuk. Mr. Arreak.

Mr. Arreak (interpretation): Thank you, Mr. Chairman. In regard to the minister's response, I would also like to make a supplementary question because he responded to Mr. Arvaluk and Mr. Tootoo.

The Languages Commissioner is responsible for those and it seems like the Languages Commissioner should get additional roles. Have you consulted with the Languages Commissioner in regard to the proposed changes? How could these changes benefit us? Thank you.

Chairman (interpretation): Thank you, Mr. Arreak. Minister Tapardjuk.

Hon. Louis Tapardjuk (interpretation): Yes, I know that the Languages Commissioner had worked at the initial stages with the working group, with the past working group, with members from NTI, CLEY, and the Languages

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Chairman (interpretation): Thank you, Minister Tapardjuk. Mr. Arreak.

Mr. Arreak (interpretation): Thank you, Mr. Chairman. Thank you, Minister. My last question, in your opening comments you said that every five years this Act would be reviewed.

Would you be prepared to accept amendments to Bills 6 and 7 to provide for a broader role for the Languages Commissioner in the area of language promotion, and if not, why not? Thank you, Mr. Chairman.

Chairman: Thank you, Mr. Arreak. (interpretation) Minister Tapardjuk, if you can respond.

Hon. Louis Tapardjuk (interpretation): No, I cannot respond to it until I see the amendments. I cannot respond to that question until I see the amendments.

Chairman (interpretation): Thank you, Minister Tapardjuk. Are you finished? Mr. Tootoo.

Mr. Tootoo: Thank you, Mr. Chairman. A follow-up on that as you said you couldn't comment on it, but would you be open to look at amendments to address those areas of concerns? Thank you, Mr. Chairman.

Chairman: Thank you, Mr. Tootoo. Minister Tapardjuk.

Hon. Louis Tapardjuk (interpretation): Yes, of course. I would be very open to look at the amendments to make sure it's strengthened. As I stated before in my

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opening comments that we are quite open to the recommendations and suggestions made by the *Ajauqtiit* Standing Committee to enhance those bills. I'm very open to suggestions and recommendations and I would be willing to give that to my Cabinet colleagues. Thank you, Mr. Chairman.

Chairman (interpretation): Thank you, Mr. Tapardjuk. Mr. Tootoo.

Mr. Tootoo: Thank you, Mr. Chairman. The minister is saying then it wouldn't be his call. Say for example, one of the concerns that we've heard in previous hearings, and also the concerns that members have brought up through their questions, is the downgrading of the authority and responsibilities of the Languages Commissioner in Nunavut.

My question would be: if the committee felt strongly that that shouldn't happen, would an amendment be geared towards that without knowing specifically what it is but just as a general concept thing so that the Languages Commissioners basically maintain what that position holds already? If that would mean some considerable amendments to the legislation, would you be willing to look at amendments in relation to that? Thank you, Mr. Chairman.

Chairman (interpretation): Thank you, Mr. Tootoo. Minister Tapardjuk.

Hon. Louis Tapardjuk: I'm having a bit of a problem when you're talking in terms of downgrading the role of the Languages Commissioner from its existing role.

Mr. Chairman, if I could ask Mr. Tarnow to clarify the definition of the promotion. I think this is where we have our differences in our interpretation of promotion. I think it would be wise for me, Mr. Chairman, if I

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Chairman (interpretation): Thank you, Minister Tapardjuk. Mr. Tarnow.

Mr. Tarnow: Thank you, Mr. Chairman. I just wanted to clarify an earlier question before I get into what the minister is asking, that one of the members, Mr. Tootoo, had asked.

He felt that the Languages Commissioner would no longer be able to continue as an officer of the Legislative Assembly. My reading of the Official Languages Act, the bill, section 16, on sections dealing with the Languages Commissioner. When I read this, I see that the Languages Commissioner is appointed on the recommendation of the Legislative Assembly. In section 16 subsection 1, the commissioner, on the recommendation of the Legislative Assembly, appoints the Languages Commissioner. Also, the Languages Commissioner, under this proposed legislation, reports to the Legislative Assembly.

I heard that there was some concern that somehow the government would have some control over the budget of the Languages Commissioner. I don't think that that's the case, so I wanted to make that observation. Rather than downgrading the powers of the Languages Commissioner as some seem to indicate, this bill increases the authority of the Languages Commissioner and gives enhanced powers.

The words in section 22 of the bill, "It is

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the duty of the Languages Commissioner to take all actions and measures within the authority of the Languages Commissioner to ensure that official language rights, status and privileges are recognized, and that the duties respecting the official languages are performed." This allows that the Languages Commissioner continues as an independent officer reporting to the Legislative Assembly and is going to be watching not only the government but the private sector, is going to be available to field concerns, has enhanced powers to, that available in the present *Official Languages Act* to do all kinds of things.

I don't think that there's a restriction of the power of the Languages Commissioner. If anything, there's an increase in the power and the Languages Commissioner can continue to promote the official languages. Just because others may have a role in the promotion, it doesn't mean that the Languages Commissioner is precluded. I don't see that in the legislation. There's an increased role for the Languages Commissioner.

Those are my observations, Mr. Chairman.

Chairman (interpretation): Thank you. Minister, for your information, the proceedings are being recorded, and if you're going to be making any reference to any of your officials, please state by the surname. Thank you. Mr. Tootoo.

Mr. Tootoo: Thank you, Mr. Chairman. Thanks for that interpretation. I'm sure that we'll have to have a good look at that. It's something we can't respond to right away as that's one interpretation and there could be other ones down the road. For me, it's always important that that may be the intent of those of us that are here today but tomorrow, there's going to be someone else

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there, and if it's not clearly spelled out in there, it could be a totally different interpretation. That's something that I always look for that those things are clearly spelled out.

To clarify, I never said that that person wouldn't be an independent officer of the House. Would it be appropriate to have basically a police officer reporting to the House and that would be a decision of the House on that. Although I know exactly how the sections in the Act are pointed out on the appointment process, it seems like with this legislation, there could be a lot of things. So maybe it should be changed to the responsibility of the minister, or of Cabinet, I don't know if I want, right now, as a Member of this House that is basically getting police reports coming to me from the commissioner.

The other question I have for the minister, Mr. Chairman, as he had indicated that the Languages Commissioner was part of the working group, could he indicate, by that being the fact, that all the meetings that they held that the Languages Commissioner was invited to participate in? Thank you, Mr. Chairman.

Chairman (interpretation): Thank you, Mr. Tootoo. Minister Tapardjuk.

Hon. Louis Tapardjuk (interpretation): I don't know how many meetings the working group had but I could look into the matter and find out the information, and find out what you would like to know. I do know that the Languages Commissioner was invited and participated in the working group meetings. Possibly, one of my officials can make a supplementary. The working group started in 2004 and up to 2007.

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Chairman (interpretation): Thank you, Minister Tapardjuk. The question was: did the Languages Commissioner participate in all of the working group's meetings when you were dealing with these two? That was the question that was posed by Mr. Tootoo. Mr. Tootoo, if you could elaborate.

Mr. Tootoo: Thank you, Mr. Chairman. Was he invited to participate in all of those meetings, or were there meetings that were held with other members of the working group where the Languages Commissioner wasn't invited to participate in? Thank you, Mr. Chairman.

Chairman (interpretation): Thank you, Mr. Tootoo. Minister Tapardjuk.

Hon. Louis Tapardjuk (interpretation): I will refer that question to my Deputy Minister Arnaquq. I didn't participate, or wasn't responsible for the working group's activities.

Chairman (interpretation): Thank you. Ms. Arnaquq.

Ms. Arnaquq (interpretation): Thank you. The Languages Commissioner has an employee and during the meetings of that working group, the staff of the Languages Commissioner participated in 2006.

Somewhere from February or March of that year, we extended invitations to the commissioner's office because there was a need to include a dialogue from that office, and that there was a requirement to identify the roles and responsibilities of the Languages Commissioner. At that point, we started inviting the staff from the Languages Commissioner's Office and that

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When there was a requirement for the working group to have a meeting, an invitation was extended. That's all I can say in response to that question.

Chairman (interpretation): Thank you. Mr. Tootoo, did that respond to your question?

Mr. Tootoo: Thank you, Mr. Chairman. I'm just wondering if the department had any meetings with any, I would assume that you're meeting with one party to the working group that you're meeting with the whole working group.

So I'm just wondering, were there any meetings that you had with any of the stakeholders involved in the working group in which the Languages Commissioner wasn't invited to participate in? Thank you, Mr. Chairman.

Chairman (interpretation): Thank you, Mr. Tootoo. Minister Tapardjuk.

Hon. Louis Tapardjuk (interpretation): I have no recollection or knowledge about the working group having a meeting without extending an invitation to the Languages Commissioner's Office. No, we're not aware of that. I just wanted to make that comment.

Chairman (interpretation): Thank you, Minister Tapardjuk. Mr. Tootoo.

Mr. Tootoo: Thank you, Mr. Chairman. Also, in the minister's opening comments, he began to say, well, we listened very carefully to everything that was brought forward.

I guess my question is; I'm pretty sure there were some concerns brought forward $\begin{array}{lll} & \text{PibPlCLG} \\ & \text{P$

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by the Languages Commissioner as far as that went of the roles and responsibilities in the Act. Did the department change anything as a result of the concerns raised by the Languages Commissioner, or did they just say, "Well, that's too bad. That's the way it's going to be," and it's going to stay like it is regardless of any concerns that were raised? Thank you, Mr. Chairman.

Chairman (interpretation): Thank you, Mr. Tootoo. Minister Tapardjuk.

Hon. Louis Tapardjuk (interpretation): In regard to this issue, the major issue was language promotion. The roles and responsibilities, promotion and implementation were concerns of the Office of the Languages Commissioner. They were given a good explanation of what it really means. They had a clear discussion on that. Thank you, Mr. Chairman.

Chairman (interpretation): Thank you, Minister Tapardjuk. Mr. Tootoo.

Mr. Tootoo: Thank you, Mr. Chairman. So basically nothing was changed as a result of those concerns that were raised. Is that correct? Thank you, Mr. Chairman.

Chairman (interpretation): Thank you, Mr. Tootoo. Minister Tapardjuk.

Hon. Louis Tapardjuk (interpretation): What we had envisioned in regard to the Languages Commissioner's roles and responsibilities in these two bills, one thing that cannot be understood is the promotion.

The government is provided some funding from the federal government for language promotion and training, and we're responsible for those. We provide funding Δ¹L¹b, 4Λ¹bd Δ¹d
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to the people out there who would like to apply for language programs and for others. Since the Nunavut Government holds that responsibility, they are responsible for language promotion and training.

The government already holds that responsibility and they will continue to hold that responsibility for language promotion. For that reason, we have heard concerns in regard to that but the status quo will not change for providing funding for language issues and this responsibility or the jurisdiction is held by the government. Thank you, Mr. Chairman.

Chairman (interpretation): Thank you, Minister Tapardjuk. Mr. Tootoo.

Mr. Tootoo: Thank you, Mr. Chairman. I would like to thank the minister for that response but I was more interested in the first word that you said that nothing was changed.

My next question, Mr. Chairman, to the minister, I know the standing committee has heard concerns about the ability of the Government of Nunavut to introduce legislation that would impact federal institutions and federally regulated businesses, such as banks and airlines.

In your response to the standing committee's letter, you state and I'll quote it, "Every organization in Nunavut, including Canada Post, will be required to provide customer service to the public in the Inuit language, along with English and French." I would assume this would include federal offices operating in Nunavut, such as the Canada Revenue Agency.

Can you explain, in detail, how the

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territorial government has the legal ability to do this? And, has the federal government indicated to you or your officials that it will fully comply with the GN's proposed language legislation? Thank you, Mr. Chairman.

Chairman (interpretation): Thank you, Mr. Tootoo. Minister Tapardjuk.

Hon. Louis Tapardjuk (interpretation): Thank you, Mr. Chairman. I'll have Stephan respond to your question, Mr. Chairman.

Chairman (interpretation): Thank you. Mr. Cloutier.

Mr. Cloutier (interpretation): Thank you, Mr. Chairman. I will speak in English. (interpretation ends) Under the proposed *Inuit Language Protection Act*, there is now a provision that says that every organization in Nunavut will have to provide certain services in the Inuit language, which includes public signs like exterior signs, interior signs, posters, advertisement, as well as reception, customer and client services.

So these requirements are for every organization in Nunavut, that applies to the private sector organizations like the businesses, and also the federal agencies operating in Nunavut, as well as the federally regulated private bodies.

The authority to do that comes to this Legislative Assembly through the federal *Nunavut Act* that has *Article 23*, where the Legislative Assembly can pass law for the preservation, use and promotion of the Inuit language as long as we do not diminish the status or any of the rights to French or English.

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So that power has been granted to Nunavut to the Legislative Assembly to pass laws where it could also apply to federal agencies, or federally regulated bodies, such as the post office, the banks, or federal services that Nunavummiut receive.

Chairman (interpretation): Thank you. Mr. Tootoo.

Mr. Tootoo: Thank you, Mr. Chairman. I'm just wondering if the minister or his officials have run this by any of those federal agencies and have they given any indication that they will fully comply with this proposed legislation or not? Thank you, Mr. Chairman.

Chairman (interpretation): Thank you, Mr. Tootoo. Minister Tapardjuk.

Hon. Louis Tapardjuk (interpretation): My officials have discussed this with the federal government officials. Although the federal government did not really welcome us, the federal government offices in Nunavut will have to follow Bill 7, especially because they have to service Nunavummiut using the Inuit language following the *Nunavut Act*. We are trying to get this to go through along with our officials, who are now having discussions with the federal government officials in regard to this, Mr. Chairman.

Chairman (interpretation): Thank you, Minister Tapardjuk. Mr. Tootoo.

Mr. Tootoo: Thank you, Mr. Chairman. I'll use an example, say something that affects every single person that earns an income in Nunavut, and that's with the Canada Revenue Agency, all we can get is their Income Tax forms in English and French. How will the Government of Nunavut, or the Languages Commissioner,

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be able to force the federal government to translate these forms into any of the Inuit languages? Thank you, Mr. Chairman.

Chairman (interpretation): Thank you, Mr. Tootoo. Minister Tapardjuk.

Hon. Louis Tapardjuk (interpretation): Thank you, Mr. Chairman. I'll have Mr. Cloutier respond.

Chairman (interpretation): Thank you, Minister Tapardjuk. Mr. Cloutier, I'm just wondering if I'm pronouncing your name properly.

Mr. Cloutier (interpretation): It's good. Sheila Watt-Cloutier is not a relative of mine, and I have an Inuktitut name which is *Qupanuaq*. I prefer that name.

Thank you, Mr. Chairman. (interpretation ends) To answer the question from Mr. Tootoo, the *Inuit Language Protection Act* sets the requirement for having the federal services, like customer services, client services, when they are provided to Nunavummiut that they are also provided in the Inuit language. How to ensure this will happen, we don't know the final position of the federal government on this.

There are some issues but there is cooperation to raise cooperation with the federal government and these federal agencies that they need to provide their customer services and reception services in the Inuit language. It doesn't stop them from providing services in French and English. What we're asking them to do is to include the Inuit language when they provide their services to Nunavummiut. (interpretation) Thank you.

Chairman (interpretation): Thank you. Mr. Tootoo.

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Mr. Tootoo: Thank you, Mr. Chairman. So I guess there's really no way to force them into doing that, we're just asking them and hope that they cooperate. Is that my understanding? Thank you, Mr. Chairman.

Chairman (interpretation): Thank you, Mr. Tootoo. Minister Tapardjuk.

Hon. Louis Tapardjuk (interpretation): If the federal government does not follow the legislation that they have to provide Inuktitut services, our Languages Commissioner will have to be responsible and deal with them. The Languages Commissioner will have to take that issue and deal with the federal government if they were reluctant to follow.

Chairman (interpretation): Thank you, Mr. Minister, Mr. Tootoo.

Mr. Tootoo: Thank you, Mr. Chairman. I wish whoever that is luck in trying to deal with the federal government because I think it's highly unlikely that they're going to be producing their Income Tax forms in any of the Inuit languages. They've already said that in the past and anything else from any of those corporations too is they're not going to do it. I doubt very much that they will, I shouldn't say they're not going to, but if past predicts future, it's going to be, "Well, it's really nice but no thanks." Really, what are you doing? What would the minister, or the department, or the government, or the Languages Commissioner have if they went to Ottawa and raise that concern? They say, "No, we're covered under our Official Languages Act and that's all we have to do."

To me, it seems like it all sounds really nice, it's going to do all this, except in a

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The federal government won't be obligated; they can hide behind their *Official Languages Act* because the Inuit language is not included in the Canadian *Official Languages Act*. So it's basically barking up the tree at a squirrel that isn't going to come down on that.

I'm not sure, based on the interpretation, if that will be something they're going to look further into, and I would expect that we need different opinions on that that can't be provided and responded on an immediate basis, but that's something that I'm going to be looking at.

In another area dealing with the federal organization, the committee but not just the committee, has been an issue that's been raised throughout the territory on a number of occasions is the lack of Inuit language services delivered by organizations like the RCMP.

In your response to the standing committee, you stated that the current contract that the GN has with the RCMP for policing services will expire in 2012, and that there would be no legal impediments to the inclusion of language requirements in the delivery of services in the Nunavut policing contract.

How is the Department of CLEY working with the Department of Justice to include this provision in the new contract? Have you or your officials discussed this issue with the RCMP yet? Thank you, Mr. Chairman.

Chairman (interpretation): Thank you, Mr.

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Tootoo. Minister Tapardjuk.

Hon. Louis Tapardjuk (interpretation): Thank you, Mr. Chairman. Before I respond to that question, I would like to refer back to the federal government departments and agencies based in Nunavut. I would like to refer that question to Mr. Tarnow before we respond to the last question.

Chairman (interpretation): Thank you. Mr. Tarnow.

Mr. Tarnow: Thank you, Mr. Chairman. I just want to step back from some of the immediate specifics of the bills that you have before you and go back a few years to the passage of the *Nunavut Land Claims Agreement Act* in the Parliament of Canada that was assented to in June of 1993.

That contains a provision that says, that puts into law the Nunavut Land Claims Agreement and has a provision in it, and it says, "In the event of any inconsistency or conflict between the agreement and any law, the agreement prevails to the extent of the inconsistency or conflict."

There are many rights put into that agreement, one of them was the creation of the Government of Nunavut, then we also, at the same time, we had the passage of the *Nunavut Act*. That Act contains a provision that is in no other Act in Canada and that is paragraph (n) of subsection 23(1), which allows this Legislative Assembly to make laws in relation to "the preservation, use and promotion of the Inuktitut language..." There is nothing else in this country like this provision. It's a very significant provision; it wasn't put in there for no reason.

When a court looks at that and is

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This conferring of specific authority to make laws in relation to the preservation, use, and promotion of the Inuktitut language is only qualified by the fact that they shall not diminish the legal status or rights in respect to English and French languages. These bills have been written to ensure that they don't diminish those.

We also have duties, responsibilities and powers under the Nunavut Land Claims Agreement to implement that agreement. This legislation before you is part of that. As you know, the Nunavut Land Claims Agreement is a treaty which is binding on the federal government, under section 35 of the *Constitution Act* of 1982. So here we have legislation which is within the specific authority of this Legislative Assembly to promote, protect and preserve the Inuit language.

So we can make these laws to do that and they may affect certain matters beyond our jurisdiction without them necessarily being illegal or unconstitutional. There's a doctrine in constitutional law called the Pith & Substance Doctrine. It's founded on the recognition that a legislature, in the exercise of its jurisdiction over a matter, may affect matters within the jurisdiction of another level of government in an incidental manner. These are incidental matters that we're talking about. Bill 7, the Inuit Language Protection Act, would be a law of general application that applies only incidentally to these federal organizations. Looking at the case law, it would do so in a CΔL°α Lc-lc-b%ής
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way that does not affect the core of these agencies.

The rule of federal paramountcy is reflected in subsection 23(1) of the Nunavut Act by the words, "Subject to any other Act..." So certainly, Parliament could decide to limit our power but they haven't. There are no laws that would be in conflict with these laws. The only federal legislation that regulates language is the Official Languages Act and it does not regulate the use of the Inuktitut language. We have the power to do that here. We're doing so in a way that does not preclude or limit the use of either French or English as official languages. Therefore, there's no conflict between the *Inuit Language* Protection Act and any federal statute.

The question of language is not a matter of exclusive federal jurisdiction and a provincial or a territorial statute regulating the use of language does not impair any basic federal legislative power. As I've said before, the Members of this Legislative Assembly have that authority over language and the Inuktitut language.

The *Inuit Language Protection Act* would not impair any undertaking under federal jurisdiction, such as airlines, it wouldn't sterilize them; it wouldn't paralyze them, or preclude them from carrying out their normal activities. In the absence of expressed contradiction, both provincial, territorial, and federal laws that are otherwise validly enacted, can apply to a federal undertaking unless dual client compliance is impossible.

The legislature may, in the exercise of its jurisdiction under the *Nunavut Act*, provide for enforcement procedures and mechanisms as well. Similar mechanisms exist under the federal *Official Languages*

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Act and under the Quebec Charter of the French Language, which provides for its implementation and enforcement by the l'Office québécois de la Langue Française. The Language Authority and the Languages Commissioner will have similar powers and responsibilities in Nunavut.

I have tried to give you some idea of the position of the Government of Nunavut on this matter today.

Chairman (interpretation): Thank you. If you're going to be responding to any of the questions, please make it to the point and brief. If you keep going for too long, we tend to lose the meaning or the response. Mr. Tootoo, are you finished? Mr. Tootoo.

Mr. Tootoo: Thank you, Mr. Chairman. I guess to interpret all of that that the Department of CLEY hasn't done anything with the Department of Justice to include the provision in the new contract with the RCMP to have that issue of language brought up in there. Is that correct? I didn't hear a response to that, so I just assumed that there hasn't been any. Thank you, Mr. Chairman.

Chairman (interpretation): Thank you, Mr. Tootoo. Minister Tapardjuk.

Hon. Louis Tapardjuk (interpretation): If these two bills are enacted, of course, we'll have to retain the services of the RCMP, the Nunavut Government and the RCMP will have to work together to see how these legislations will be implemented in that contract. It would be between the Department of Justice and the RCMP.

Once these two language bills are enacted, and of course, we will have to retain the services of the RCMP, it will be a negotiation or working together between

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the Department of Justice and the RCMP.

Chairman (interpretation): Thank you. For your information, when you complete your statements, please say "Thank you" so that we can accommodate the services of the technicians. Mr. Tootoo.

Mr. Tootoo: Thank you, Mr. Chairman. The minister said earlier when I asked about any of these federal agencies or corporations, or anything like that, it was indicated that it would be up to the Languages Commissioner to investigate and do something about it.

I'm just wondering if you could explain where the Languages Commissioner would get the authority to do that because in the proposed Act that we have right now, under section 26, it says, "A person may apply to the Languages Commissioner orally, or in another form that the Languages Commissioner considers to be satisfactory, for the investigation of concerns that, in the administration of the affairs of a territorial institution or municipality," I'm not sure where the authority to do an investigation on a federal agency, or a federal corporation, or whatever where that authority comes from.

He had indicated in his response earlier that it would be up to the Languages Commissioner to do that, so maybe if we could get an explanation as to where that authority would come from. Thank you, Mr. Chairman.

Chairman (interpretation): Thank you, Mr. Tootoo. Minister Tapardjuk.

Hon. Louis Tapardjuk (interpretation): I will refer that question to Mr. Stephane Cloutier, Mr. Chairman.

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Chairman (interpretation): Thank you. Mr. Cloutier.

Mr. Cloutier (interpretation): Thank you, Mr. Chairman. (interpretation ends) To respond to Mr. Tootoo's questions, the Languages Commissioner, under the *Official Languages Act*, will investigate concerns about language use and practices in the Government of Nunavut, territorial institutions, as well as municipalities.

Now, as for the investigation process for the private sector, or sectors that are not under the territorial government, that would fall under the *Inuit Language Protection Act*, and there are provisions under the *Inuit Language Protection Act* that deals with that investigation process for all organizations that are not territorial institutions, including businesses, as well as the federal government.

If there is a concern brought forward about services or language practices from a federal agency, the Languages Commissioner can either initiate mediation, can go and discuss with people working in that federal agency to find if we can easily resolve the issue, find a quick solution, if not, the Languages Commissioner can initiate an investigation. And, part of this investigation, he could also have the power to mandate the federal agency or business to develop and implement an Inuit Language Plan. Within that Inuit Language Plan, specific measures will have to be identified on how the organization, private sector organization, or the federal agency, will comply. It will implement its requirement. Also, establish a timeline for compliance and identify staff needed to provide services in the Inuit language. (interpretation) Thank you.

Chairman (interpretation): Thank you. Mr.

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Mr. Evyagotailak (interpretation): Thank you, Mr. Chairman. Welcome, minister and your officials. Welcome as well to those people outside who are listening. I am very pleased to be here as well to take part in important issues such as our language because this is our right to speak our own language or in our dialects as well. Please feel welcome.

During your department's consultations in developing Bills 6 and 7, your department conducted a survey with the Nunavut Association of Municipalities with respect to essential services within municipalities. Was this the only consultation held with NAM and did they provide their own submission to you with their own recommendations? Thank you.

Chairman (interpretation): Thank you, Mr. Evyagotailak. Minister Tapardjuk.

Hon. Louis Tapardjuk (interpretation): Thank you, Mr. Chairman. During the time when we first started working on this, the first standing committee from the first session started surveying on the vision of how they would like to see the Language Bills, and the standing committees reviewed the Language Bills.

During the review of the Language Bills, we consulted with the mayors in each region and also with the SAOs. We consulted with them because they are to provide the community services following the language legislation, the *Inuit Language Protection Act*, which is included in there but I don't think it's in Bill 6, the *Official Languages Act*. The communities have to be provided services using the Inuit language and to protect the Inuit language. Thank you, Mr. Chairman.

Δ«ϧΡϹΔϲ» (ϽʹϧΛͿʹς): ʹϭͿϧʹʹαͺΓʹͼ, ΔͼͿϭϷϹʹͼͼ, ΓσʹʹϹϽ, ΔʹͼϧαΔϧͼʹͶ·ʹϹϽϽͼʹʹͰϲͿʹͼϹ ͼϹϹϤͼϽʹͼͰͿϲʹ Ϲ«ͽʹͼͺϽͼʹͼͰͿϲ ϤϹϤαΔͿϲͼʹϽϾ Λ^ιͰΛͺϤϽʹͼΓͼ ϷʹͼϧͰʹ϶Ͻͼ ΛϲͰͶΓʹϽͿ. ϹϹͼα Λϲ⁴αϷͶΓͰͼ ϷʹͼϧϲʹͿʹαʹϽϹ ϷʹͼϧϷϲʹͶʹͼͼ. ϽͼʹͼͰϲͰϲ, ϽͼʹͼͰϲʹͰϥϲ.

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Chairman: Thank you, Minister Tapardjuk. Mr. Evyagotailak.

Mr. Evyagotailak (interpretation): Thank you, Mr. Chairman. Thank you, Minister. I have another question I will ask in English.

(interpretation ends) Your letter to the standing committee indicated that the cost of delivery of municipality services in the Inuit language will be \$4.85 million. Is this a one-time or ongoing cost and will the additional funding that will be required by municipalities to provide services in the Inuit language be provided by the Department of Community and Government Services or from other departments? Thank you, Mr. Chairman.

Chairman (interpretation): Thank you, Mr. Evyagotailak. Minister Tapardjuk.

Hon. Louis Tapardjuk (interpretation): Thank you, Mr. Chairman. The impacted entities of the Language Bills will be the responsibility of each region. For example, for municipal services, CGS would be provide the funding. The \$4.85 million of funding that would flow through is from Community and Government Services, and also, if it's to be used for the Department of Justice, that department would provide funding for that.

So that's how the funding will be provided for the cost of delivery of municipal services. For municipal services, again, Community and Government Services would provide funding for that. Thank you, Mr. Chairman.

Chairman (interpretation): Thank you, Minister Tapardjuk. Mr. Evyagotailak.

Mr. Evyagotailak: Thank you, Mr.

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Δ⁶/«▷ርና⁶: ^ናdታ⁶αΓ⁶, Γ¹C C<⁵δδδ. Γ¹C Δ⁸νΡCΔC⁶.

Δ[«]ϧΡϹΔϲ» (ϽʹϧͰΛͿͼ): ʹͼͿϧ··_ʹαΓ⁺, Δ^ͱν/«Ϸʹϲ⁻.
ʹͼͿϧ··_ʹαΓ⁺CϷ⁻ Γσ⁻(⁻. ΛΛΓα ΕΝΑς ΒΛΙΑς ΕΑΓ

Chairman. Thank you, Minister. Your letter to the standing committee dated October 18, 2007, indicated that the federal government has already indicated that they will not provide extra funding for the delivery of municipal services in French. The Francophone Association has expressed concerns about the lack of French in the delivery of emergency and essential services. How will the Government of Nunavut work with its partners to ensure that emergency services in municipalities such as Iqaluit will be available in French? Thank you, Mr. Chairman.

Chairman (interpretation): Thank you, Mr. Evyagotailak. Minister Tapardjuk.

Hon. Louis Tapardjuk (interpretation): I'll have Stephane Cloutier to respond to that question, Mr. Chairman.

Chairman: Thank you. Mr. Cloutier.

Mr. Cloutier (interpretation): Thank you, Mr. Chairman. Thank you, Mr. Evyagotailak. (interpretation ends) To respond to the question about the funding for municipal services in French, under the *Official Languages Act*, now, there is a provision that says that municipal services will be provided where there is significant demand for these services. For Iqaluit, since there is an important Francophone community here, that means municipal services will be required to be provided in French.

In terms of funding, although the federal government has not yet committed to provide additional funding for municipal services, the Government of Nunavut has a Canada-Nunavut Cooperation Agreement for the delivery of French services. So within that budget envelope, we could

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work on something for here in Iqaluit to ensure that there is at least funding for municipal services in French to be provided for now.

Chairman: Thank you. (interpretation) Recognizing the clock, it's almost twelve o'clock, so we'll take a break for lunch and come back here at 1:30. Thank you.

>> Committee recessed at 11:47 and resumed at 13:32

Chairman (interpretation): Thank you for coming back. We will now begin. The last one asking questions was Mr. Kattuk. I apologize I'm made a mistake. The individual who is going to be asking the next questions will be Peter Kattuk. Please proceed.

Mr. Kattuk (interpretation): Thank you, Mr. Chairman. I will be asking just a couple of questions in regard to the Office of the Languages Commissioner. I would also like to welcome the minister, I'm sure you had a very good lunch. At this time, I'm very pleased to have made my comments and ask some questions during these hearings.

Of course, our dialects are all different but I'm sure that you'll get the meaning. The issue of language is very important and I think it's very important to include all dialects. We're not making preference from one dialect to another; we are working on the issue of languages in general, including all dialects.

(interpretation ends) Mr. Chairman, under the current *Official Languages Act*, the employees of the Office of the Languages Commissioner are deemed to be persons employed in public service for the purposes of the *Public Service Act*. Bill 6 proposes to $PV\PsiU_2$

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remove this provision, which reduces the employment security and promotions for the employees of the office, including its present staff. What was the reason for this change and would you be prepared to accept an amendment to the bill in this area, and if not, why not? Thank you, Mr. Chairman.

Chairman: Thank you, Mr. Kattuk. I don't know where that background that I'm hearing came from. Minister Tapardjuk.

Hon. Louis Tapardjuk (interpretation): Thank you, Mr. Chairman. I would like to refer this question to Stephan Cloutier.

Chairman (interpretation): Thank you, Mr. Minister. Mr. Cloutier.

Mr. Cloutier (interpretation): Thank you, Mr. Chairman. Thank you, Mr. Kattuk. (interpretation ends) Maybe just to give the rationale behind that difference between the current Official Languages Act that we inherited from the NWT to the Bill 6, the proposed Official Languages Act, in regard to staff for the Languages Commissioner, given the new powers and the new duties for the Languages Commissioner, dealing now with the private sector, the federal government, the municipalities, and so on, through consultations, it was clear that greater flexibility will be needed to address some of the more specific issues and that what is being proposed under Bill 6 will give more flexibility to the Languages Commissioner to engage experts, legal counsels, elders, or anyone that has expertise in areas that will be appropriate for specific areas of concerns.

Just to give you an example, if next year, there is an issue coming up with French services in the government, with this new provision, with this added flexibility, the

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Languages Commissioner will be able to engage resource experts that are familiar with the Francophone issues in order to find the best solutions to resolve that matter.

It might be an issue related to Inuinnaqtun, as you mentioned about dialects earlier. If there is an issue more specific to Inuinnaqtun speaking communities, that will give the flexibility to the commissioner to engage experts or people that know the issues going on in these communities.

When it's time to implement this with the municipalities, with the federal government, and especially with the private sector, that will give, again, flexibility to the Languages Commissioner to go and get the best resources to deal with these issues. This is new to Nunavut for the language legislation to apply to the private sector, municipalities, and the federal government, so it would be good to go get the best resources available to move forward. (interpretation) Thank you.

Chairman (interpretation): Thank you. Mr. Kattuk.

Mr. Kattuk: Thank you, Mr. Chairman and Mr. Cloutier. The second question I have is: the staff of the proposed *Inuit Uqausinginnik Taiguusiliuqtiit* will be employees under the *Public Service Act*. However, clause 21 of Bill 6 provides that the Languages Commissioner may "engage or retain the services of counsel, experts or other persons." This suggests that the government does not envision the Office of the Languages Commissioner having permanent employees, which may negatively impact the office's ability to fulfill its mandate. What was the reason for this change and would you be prepared to

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accept an amendment to the bill in this area, and if not, why not? Thank you, Mr. Chairman.

Chairman (interpretation): Thank you, Mr. Kattuk. Minister Tapardjuk.

Hon. Louis Tapardjuk (interpretation): Thank you, Mr. Chairman. Again, I will refer this question to Mr. Stephane Cloutier.

Chairman (interpretation): Thank you. Mr. Cloutier.

Mr. Cloutier (interpretation): Thank you, Mr. Chairman. Thank you, Mr. Kattuk. (interpretation ends) The difference between *Taiguusiliuqtiit* and the Languages Commissioner is that *Taiguusiliuqtiit* is more focussed on the Inuit language, and more specifically on language development, developing the terminology and establishing the directives on proper language use in Nunavut for the Inuit language, Inuktitut or Inuinnaqtun. So before it's more focused, then *Taiguusiliuqtiit* can hire its staff and because we know the main function is to focus on language development.

As I mentioned earlier, the change for the Languages Commissioner was to add more flexibility now that we know there's more responsibilities under the Languages Commissioner to address a broader range of issues and concerns, not only dealing now with the Government of Nunavut but also with municipalities, private sector organizations, and the federal government, and also dealing with three official language communities that have various needs, expectations and concerns.

So the reason was to give more flexibility to the Languages Commissioner's Office to

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Chairman (interpretation): Thank you, Mr. Cloutier. Mr. Tootoo.

Mr. Tootoo: Thank you, Mr. Chairman. I just want to go back to the first question and the reason was to allow flexibility for the Languages Commissioner to hire experts in certain areas, I mean that could be done I think under the current contract.

I don't think anyone would be able to find one person that's going an expert in every area. I know that there are some positions within that office already, and as my colleague pointed out, they are considered employees under the *Public Service Act* employed in the public service for the purposes outlined in the *Public Service Act*, and therefore, there are all kinds of securities, I guess if you want to say, in there.

I know that regardless of whatever happened in whatever particular case, they still need those core people there at all times. If the need arises to be able to hire someone on a contract basis to look up a specific case or whatever, I think that could still be done under the current legislation.

So again, I've just got to ask because to me, the response doesn't really justify that move, to take those current staff positions out of the public service. So again, I ask the minister if he would be able to accept or prepare to accept an amendment to the bill to allow those people that are working in the office on a permanent or indeterminate basis to still be members of the public service as outlined in the *Public Service Act*. Thank you, Mr. Chairman.

Chairman (interpretation): Thank you, Mr.

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Hon. Louis Tapardjuk (interpretation): Yes, as long as we see what changes are required under these proposed Acts. We're very open to suggestions and proposed changes. We do have to realize that this bill will be the foundation of other pieces of legislation in relation to the issue of languages.

If you should be proposing any changes or amendments, then we will have to look at it closely and work with the Standing Committee *Ajauqtiit*.

Chairman (interpretation): Thank you, Mr. Minister. Mr. Tootoo.

Mr. Tootoo: Thank you, Mr. Chairman. Well, it shouldn't be too hard; it's in our existing Act right now. So as I've been saying, would you be willing to go with the status quo in that area that's in the existing Act right now where it indicates that those employees are employees of the public service? Thank you, Mr. Chairman.

Chairman (interpretation): Thank you, Mr. Tootoo. Minister Tapardjuk.

Hon. Louis Tapardjuk (interpretation): In regard to Bills 6 and 7, if the Standing Committee *Ajauqtiit* would like to recommend some changes, my office is more than willing to work with you. We would like to be included during the discussions, or the changes, as long as you include my department. Thank you, Mr. Chairman.

Chairman (interpretation): Thank you, Mr. Minister. Mr. Barnabas.

Mr. Barnabas (interpretation): Thank you,

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We are working very closely with some people who used to work for the Baffin Divisional Board of Education, and also Ms. Arnaquq. In our travels, we used to see how hard the people in the other jurisdictions were working to preserve and promote their first language. I'm sure that we have an excellent goal, if that is our goal.

In any case, I would like to ask about the enforcement of the legislation. During its recent public hearings, the standing committee heard concerns that the penalties and fines for violating the legislation are not strong enough to ensure that organizations and companies have an incentive to comply with the law. In Quebec, private businesses can be fined or taken to court if they do not obey the province's language laws. How can we be confident that large companies will obey the law unless there are real consequences for those who break it? Thank you, Mr. Chairman.

Chairman (interpretation): Thank you, Mr. Barnabas. Minister Tapardjuk.

Hon. Louis Tapardjuk (interpretation): That's a very excellent question. This is one issue that kept coming up during our discussions. For example, the Languages Commissioner would be able to hear the complaints, would be able to look into cases of breaches of the law, and could also use the justice system should there be an ongoing concern with any particular entity.

In regard to the issue of penalties and fines for violating the legislation, this is one C*&&*C> ጋቴሌሁ/ጘd&b. CLቴፌናC>ቴ ነdልላቦናበላናናbdና Ċቴፌ LলሁቴህቴበCኦፌ/bጋቴቦඨቴ, LলሁኣΔና Ċbd4 5, 6.

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issue that was not liked by the *Inuit Qaujimajatuqangit* Committee, and if we're looking at the small or large companies that are working in the communities, it is vital that their signs indoors and outdoors be in Inuktitut or the official language. Should this company not want to follow this law, what would happen in that case?

Would it be better to penalize them, or fine them, or come to an agreement with them and give them an opportunity to be able to follow the law? For example, give them a few months deadline, or find out where the problem in regard to abiding by the law, we would prefer to negotiate with the companies and give them an opportunity to abide by the rules, instead of giving penalties and/or fines. We would prefer arriving at an agreement between the two parties.

The Languages Commissioner would deal with such cases and arrive at a friendly agreement between his office and the private company. We haven't put in any solid figures yet for penalties and fines but there are two avenues that we can follow: the officials and the protection of the Inuit languages.

Chairman (interpretation): Thank you, Minister Tapardjuk. Mr. Barnabas.

Mr. Barnabas (interpretation): Thank you, Mr. Chairman. I understand exactly where you're coming from. For example, in the provinces, anybody is given a parking ticket following how they're parked. We will probably see something like this.

I don't know what the structure of the penalties and the fines will be but my next question: can you explain how you approached the issue of fines and penalties ▷
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in Bills 6 and 7 and indicate whether you would be prepared to accept amendments to increase the fines and penalties in the bills, and if not, why not, and whether there would be any interest generated through these avenues? Thank you, Mr. Chairman.

Chairman (interpretation): Thank you, Mr. Barnabas. Minister Tapardjuk.

Hon. Louis Tapardjuk (interpretation): It would be very interesting to take this into consideration. If we're looking at the first year of implementation, I won't know how many people would be fined or penalized.

Who would be responsible for handing out the fines and penalties? There will have to be the administration part of it, the people who will be handing out the tickets, and we'll probably have to have employees to administer those penalties and fines. Where would the fines and penalties go? Would it go to the Nunavut Government? Through the Languages Commissioner, it would be our responsibility to pay also if we didn't follow the rules, if there's a breach of the fine.

If you should make recommendations to amend the proposed bill, we would be more than willing to have those discussions. We could also look at the penalties and fine amounts, and who would be responsible for the administration and the number of employees. We haven't gone to that portion yet, but we are looking at doing a review of these two bills if they should be enacted within five years.

Chairman (interpretation): Thank you, Minister Tapardjuk. Mr. Barnabas.

Mr. Barnabas (interpretation): Thank you, Mr. Chairman. (interpretation ends) The Francophone Association of Nunavut

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recommended that the money from any fines paid under Nunavut's language legislation be put into a fund that is then accessible to the language community that did not get the services that it should have received. Do you agree with this recommendation, and if not, why not? Thank you, Mr. Chairman.

Chairman (interpretation): Thank you, Mr. Barnabas. Minister Tapardjuk.

Hon. Louis Tapardjuk: No, not really. The financial of penalties in the legislation is an issue that we really haven't recommended, let's you put it that way, because they're in consultation with ITK and others.

The Office of the Languages Commissioner has seen about ten complaints a year. The Office of the Languages Commissioner is getting ten complaints, and you know how many of those complaints were resolved without having to entertain a penalty?

If there was a penalty to be imposed on a particular institution or organization, we would have to have a very serious look at if there are any amendments to be made to the piece of legislation in addressing revenues from the cost of penalty.

Again, like I say, we're open to any suggestions but it's an issue that we've looked at and really haven't placed a high priority over that issue. (interpretation) Thank you, Mr. Chairman.

Chairman (interpretation): Thank you, Minister Tapardjuk. Mr. Barnabas.

Mr. Barnabas (interpretation): Thank you, Mr. Chairman. One presenter recommended that the legislation provide

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for fines of up to \$100,000 for organizations or companies that violate the law. Given the need to encourage economic growth and job creation in Nunavut, are you concerned that this approach may actually have the effect of discouraging companies from doing business in Nunavut and hiring our residents? Thank you, Mr. Chairman.

Chairman (interpretation): Thank you, Mr. Barnabas. Minister Tapardjuk.

Hon. Louis Tapardjuk (interpretation): Thank you, Mr. Chairman. Yes, we can consider that but it has not been part of our priority. If we are going to provide fines for people who are in violation of the Acts, perhaps, the Languages Commissioner or someone else, we would have to consider how effective this would be.

So therefore, we have to ask the question: if there was a fine, would it enhance the language? If we were to provide fines, we have to put in the figures. If we look at the province of Quebec now, they can be fined from \$5,000 to \$7,000 for huge corporations. I'm sure that it would not go beyond that number.

So the question is: if we were to provide fines, will it enhance the language development? So therefore, we talked about wouldn't it be better to look for solutions for those problems rather than focusing on punishment. If you do not adhere to this Act, then you could be fined, rather than doing that, we would be looking at what the problems are and what the solutions could be to enhance the Inuktitut language on the entities. So we would be looking at that more.

So therefore, in regard to your question the answer would be I don't know, but if it's

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going to enhance the language, we would be willing to look at it with you because it's going to have an impact on others. If we were to make fines for people who break the law, will it enhance the language? I don't know. That's what we would have to look at if there were to be any amendments. Thank you, Mr. Chairman.

Chairman (interpretation): Thank you, Minister Tapardjuk. I'll go back to Mr. Barnabas. There is a member who would like to ask a supplementary question. Mr. Tootoo, would you like to ask your supplementary question?

Mr. Tootoo: Thank you, Mr. Chairman. Just a couple of things. The minister indicated that they haven't really looked at funnelling any revenues from fines towards one area because right now there are only ten complaints a year, but that's under the current Act.

Here we'll have two new Acts with much more stringent things outlined in it for people to comply with. As a result of that, it seems kind of odd that they would use ten complaints a year under the current Act when the new Act is going to be a lot stronger. Maybe first off, just get a justification on that. Thank you, Mr. Chairman.

Chairman (interpretation): Thank you, Mr. Tootoo. Minister Tapardjuk.

Hon. Louis Tapardjuk (interpretation): For example, since we looked into the province of Quebec in regard to the complaints that have been received, they are able to resolve the issues 97 percent of the time prior to them fining somebody. If there were to be any problems, we would like to negotiate to resolve the situations. So that's our preference, and I'm sure that

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it's easier to resolve the problem rather than punishing them.

We believe that it would be easier to resolve the problems but we tend to think that the complaints that we received would be resolved through negotiations first before the fines are imposed according to the Act. Thank you, Mr. Chairman.

Chairman (interpretation): Thank you, Minister Tapardjuk. Mr. Tootoo.

Mr. Tootoo: Thank you, Mr. Chairman. It's always nice if you can sort things out before you take the last resort which is the imposition of fines.

I mentioned earlier this morning you talked about federal agencies, or federal corporations, or organizations that are federally regulated, if it gets to the point where a fine is imposed for a breach of the Act, would we then be in a position to say, if Revenue Canada says, "No, we're not going to change our forms," and if it goes through and they say, "No, no, no, we're not going to," would we be fining the federal government and would that be something that would stand up? Not only the federal government but if you look at Canada Post, or any other federal agency, what is the validity, or would the imposition of a fine on them stand up to a legal challenge? Thank you, Mr. Chairman.

Chairman (interpretation): Thank you, Mr. Tootoo. Minister Tapardjuk.

Hon. Louis Tapardjuk: Yes, that would be interesting; the federal government operating out of Nunavut. Again, the Languages Commissioner is going to take the federal government to the Nunavut Court of Justice. The Nunavut Court of Justice is going to determine as to what Ċ°& ₫ჼჼჼჄႫჼჼ\₽ჼ CĽჼ₫ѽჼႱ ݵʹʹ;;;;;;;; L~ჼჼſĊϤჇ&ና Ϥϒ~ჼჼჄႨႷჼႶჂჼჼ ჅჂႭჼჼჼႶႱჼ L~ჼჼჼſĊϤჇ&ና Ϥϒ~ჼჼჄႨႷჼႶჂჼ~ჼჼĊ϶ႮჄჼႶႱჼ

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kind of fines or penalties will be imposed on that particular file. So, again, this will be determined by the Nunavut Court of Justice. Thank you, Mr. Chairman.

Chairman (interpretation): Thank you, Minister Tapardjuk. Mr. Tootoo.

Mr. Tootoo: Thank you, Mr. Chairman. Maybe I'll just put it really clear. Basically, if you tried to fine a federal corporation, or a federal agency, would they just laugh us off and say you have no jurisdiction here?

If it goes to court, are we wasting our time taking them to court, and under and where in here can we feel comforted that the same penalties, rules, and everything is going to apply to that and then be able to be imposed on them as they would to any other person operating, or working, or living up here in Nunavut? Thank you, Mr. Chairman.

Chairman (interpretation): Thank you, Mr. Tootoo. Minister Tapardjuk.

Hon. Louis Tapardjuk (interpretation): Bill 6 and Bill 7, in detail, Bill 7 is the *Inuit Language Protection Act*, it states in there that the entities that provide services will have to use those official languages and it also states what kind of services there are.

So therefore, if entities are operating within Nunavut, they have to abide by the Act, for example, if the federal government has offices here in Nunavut and if they do not abide by the Act, then the Languages Commissioner can deal with them for violating the Act. The Languages Commissioner, by use of the courts, can resolve the situation, Mr. Chairman.

Chairman (interpretation): Thank you, Minister Tapardjuk. Mr. Tootoo.

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Mr. Tootoo: Thank you, Mr. Chairman. I know it all sounds nice, but looking more specifically in the Act, and maybe you could get one of your staff to point it out exactly where in either of these two pieces of legislation whether we have the ability to fine the federal government and then require them to pay without them just saying, "We don't have to listen to you," like they do all the time anyway not only in this but with a lot of other things.

If we went in to Revenue Canada, or DIAND, or Canada Post, or someone like that said, "Well, it's too bad, we're not going to do it. We don't have to if we follow the federal *Official Languages Act*." Where in here does it say that they're going to be treated the same as everyone else when it comes to this and where in here does it say they're going to be forced to be treated like everyone else in here? Thank you, Mr. Chairman.

Chairman (interpretation): Thank you, Mr. Tootoo. Minister Tapardjuk.

Hon. Louis Tapardjuk (interpretation): I will have Norman Tarnow to respond to that question.

Chairman: Thank you. Mr. Tarnow.

Mr. Tarnow: Thank you, Mr. Chairman. Bill 7 has an interpretation clause, section 1, there's a definition and you'll see the definition of a public sector body if you'll turn to page three of the bill that defines "public sector body' means a department of the Government of Nunavut or public agency, or a federal department, agency or institution;" and then when you go through the legislation, the bill itself, there are certain requirements and duties, and you'll see there's another definition you're going

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to have to look at.

The other definition that you have to look at is "organization' means a public sector body, municipality or private sector body;" so if you read the word "organization" with the word "public sector body," and you see that applies to the federal government, and then if you go to page 5 of the bill, section 3, it says, "Duties of every organization," so the word "organization" includes the federal departments, agencies, and institutions. "Every organization shall," and so on, "display its public signs, including emergency signs... in the Inuit language..." and so on.

So you'll see of these duties. I'm not going to run through the whole bill. When you get to the enforcement parts of the bill starting at page 21, section 31, which says, "A person may apply to the Languages Commissioner," and so on, and then there are various stages. First, there's an attempt to resolve the problem through investigation and discussion, and so on.

And then as you move on and you get into section 39, where you see on page 26, "An application may be made to the Nunavut Court of Justice for a remedy that the Court considers appropriate and just... by a person who has applied to the Languages Commissioner under 31(1)," that earlier on, that's where things start.

If the Languages Commissioner has done certain things, then you see that we're into the court in section 39(2) and (3), and then the Languages Commissioner may apply, in section 40, to the court for a remedy. Some of the remedies that are available in a court, for example, is an order of the court that they comply, that you will put this sign up, or there can also be a money award. It's very broad what the court can do and they

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will be guided by the circumstances in each case.

These provisions apply to everyone in Nunavut, every organization in Nunavut; none are exempted. That's what we call a law of general application. We don't single out the federal government, it's included in the definitions of organizations, like all the other organizations and like all the other institutions. Thank you, Mr. Chairman.

Chairman (interpretation): Thank you. Mr. Tootoo.

Mr. Tootoo: Thank you, Mr. Chairman. Thanks for that explanation. I noted in the minister's response to the standing committee, as part of Parliamentary resolution, I think it's Item 10, where it says, "To date, the federal officials have expressed," and it has a number of things there, one bullet says where the fact that the federal legal analysis of both bills is continuing, and in particular, there may be an additional comment provided about the application of provisions of Bill 7 to federal agencies and the process implications of Bill 6.

This is all nice where they have it like that. Have they completed that analysis? What if they determined if it hasn't been done, if they determined that certain provisions that shouldn't apply to federal agencies in there? Thank you, Mr. Chairman.

Chairman (interpretation): Thank you, Mr. Tootoo. Minister Tapardjuk.

Hon. Louis Tapardjuk (interpretation): Thank you, Mr. Chairman. I will refer that question to Stephane Cloutier.

Chairman (interpretation): Thank you. Mr. Cloutier.

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Mr. Cloutier (interpretation): Thank you, Mr. Chairman. Thank you, Mr. Tootoo. (interpretation ends) For the Official Languages Act, to come into force, we need a concurrence of Parliament by way of resolution. So that's for the Official Languages Act because the current Official Languages Act we inherited from the NWT, there is a number of first nation languages in that legislation like the Dene languages, Cree, Ojibwe, North and South Slavey, and so on. These languages will be removed and because we are removing these languages, we need to get concurrence from Parliament.

As for the *Inuit Language Protection Act*, this is strictly a territorial legislation and we do not need to get Parliamentary concurrence for the *Inuit Language* Protection Act. I believe that since the legislation is now before the Legislative Assembly to pursue the dialogue to figure out the next steps on the process is to have the dialogue between the Legislative Assembly and Parliament. This is unprecedented in Canada's history. There is no precedent where legislation from Nunavut, or any other province, has to go through the Parliament and get concurred, get voted in the public, get debated publicly, and then there is a vote to pass that motion.

So I hope that answers your question. If not, I am well open to more questions. (interpretation) Thank you.

Chairman: Thank you. Mr. Tootoo.

Mr. Tootoo: Thank you, Mr. Chairman. You say we don't need to look at them to pass Bill 7, but in here it says that they are still doing a legal analysis of both the bills and they specifically mentioned that there

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may be additional comment on the applications of the provisions of Bill 7 on federal agencies.

That would tell me that they're not sure whether it would apply to them or not and that's what they are trying to determine. Do you have an idea of when that review or analysis will be complete, or when you expect to hear back from the federal government on that particular area? Thank you, Mr. Chairman.

Chairman: Thank you, Mr. Tootoo. Minister Tapardjuk.

Hon. Louis Tapardjuk (interpretation): To date, we have not heard about how the process is doing, or what the federal government is doing about this bill.

Chairman: Thank you. Mr. Tootoo.

Mr. Tootoo: Thank you, Mr. Chairman. I'm just wondering if I could ask the minister, Mr. Chairman, I didn't catch all of that, if he could repeat that, please.

Chairman: Thank you, Mr. Tootoo. Minister Tapardjuk.

Hon. Louis Tapardjuk (interpretation): It states here that the federal government will be doing a review on the bill, but to date we have not had any information come back to us from the federal government.

Chairman: Thank you. Mr. Tootoo.

Mr. Tootoo: Thank you, Mr. Chairman. When was that sent down to the federal government for review and are we just going to leave it when we're at an important stage on these two pieces of legislation?

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From what I've heard so far today, we're making a lot of assumptions in relation to the application of Bills 6 and 7 to federal agencies and yet, we haven't even heard anything from the federal government on whether they have an opinion that says, "It doesn't apply to us." So I think that that is a pretty important piece of the puzzle that you would need before moving forward with anything. It could cause a lot of changes or amendments if they come back and say, "It doesn't apply," just a result of that opinion, there would have to be a whole lot of amendments made to both pieces of legislation.

So I'm wondering why we would even get to the point of where we are without having that important piece of the puzzle there, that answer, before even going forward. It could have had all of that stuff in there about public agencies, the federal agencies, or departments, they can determine, "Sorry, that's not going in there." To me, without seeing more data, it would be pretty premature to move forward and drafting anything unless we had some indication from the federal government on where they are going with this.

Surely, we haven't just sent them and let them review it, and we'll waiting and they'll get back to us whenever they feel like it. Could I just maybe get an explanation to that? Thank you, Mr. Chairman.

Chairman (interpretation): Thank you, Mr. Tootoo. Minister Tapardjuk

Hon. Louis Tapardjuk (interpretation): Thank you, Mr. Chairman. It is something to take into consideration and with these bills, when we were doing our review, we wanted to know how it applied to different entities, whether they were public or **Δ৬/«▶ር**• (ጋጎ,⊁በJና): ᠳᠯᢣ°Ⴍᡤᢆᢛ, ᠮᠳᡃᢗ ᢗᠵᢅᢛᡶᢛ

private, and this is an issue that was discussed at length about how the federal agencies and entities within Nunavut would be affected.

Mr. Tarnow could give us briefing on how this goes about and how we, as a territorial government, can have an effect on the federal institutions. Thank you, Mr. Chairman.

Chairman: Thank you. Mr. Tarnow.

Mr. Tarnow: Thank you, Mr. Chairman. The *Nunavut Act* requires the concurrence of the Parliament of Canada by way of a resolution to any changes to the existing *Official Languages Act* that would diminish the rights in that Act. The removal of the Dene languages diminishes rights that are in the existing *Official Languages Act*. That really is the only issue that we require the federal government's concurrence to.

The fact that the *Inuit Language Protection Act* applies to federal organizations, the departments has nothing to do with requirements of the *Nunavut Act*, that the diminishment of the rights of making Dene as an official language of Nunavut, removing that, has nothing to do with it.

We're satisfied that the *Inuit Language*Protection Act will be able to apply to the federal entities. We don't really need to wait for an opinion. We don't get our legal advice from the federal Department of Justice. We have our own legal advisors and we have our own legal advice. The opinion of their legal advisors has nothing to do with whether this bill will, in fact, apply or not apply. That would be something if there is a question as to applicability at some day in the future that may or may not be tested in a court of law. In the meantime, our government takes the

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position that these provisions will apply.

I hope I've answered some of your concerns. Thank you, Mr. Chairman.

Chairman (interpretation): Thank you. Mr. Tootoo.

Mr. Tootoo: Thank you, Mr. Chairman. I understand where you're coming from as far as diminishing rights of taking out different languages and things like that. I think the minister's response of the simple fact that indicates that they're doing a legal analysis of both of them and they can anticipate basically saying that there will be additional comments provided about the application of Bill 7 to federal agencies tells me that they have some concerns with its applicability to federal agencies.

I think that that would be an important piece of the puzzle we get sorted out ahead of time rather than after the fact. What happens if they do come back and say, "No," I don't know if they can or not; I'm not a lawyer. But, that tells me that that's something that's caught their eye and that they're going to have a serious look at in there if they're indicating that they'll be additional comments about the application, or the provisions of Bill 7 with the federal agencies.

I can understand the processes of implications of Bill 6, as clearly outlined. I have concerns over that comment. That doesn't sound like they're all too convinced that they are bound by this provision in Bill 7. Thank you for clarifying where the government's coming from in their view on that.

The other question I wanted to ask and it was mentioned earlier is the fact that it would be up to the Legislative Assembly to

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go and negotiate, or deal with the federal government on this. I would have thought that it's the government's bill. Maybe if I could get some clarification as to how it's up to the Assembly to go and do something about it and not the government. Thank you, Mr. Chairman.

Chairman (interpretation): Thank you, Mr. Tootoo. Minister Tapardjuk.

Hon. Louis Tapardjuk (interpretation): Thank you, Mr. Chairman. I will also refer that question to Mr. Tarnow, Mr. Chairman.

Chairman: Thank you. Mr. Tarnow.

Mr. Tarnow: As was mentioned earlier, Mr. Chairman, the process is unprecedented. There hasn't been any situation where this type of resolution has come up before, so the federal officials aren't quite sure how they're going to do it at this point.

The requirement is that there be a resolution and at what point that's required may be something that the Legislative Assembly may have to take up with the Parliament. We're talking about Parliamentary procedure here; it's a very technical subject.

I think that's what was meant by that earlier reference that it would be up to the legislature to deal with this with the Parliament of Canada, the Legislative Assembly. That would be after the bill has gone through the Legislative Assembly, would be the Legislative Assembly to Parliament. I think that was what was being referred to.

There had been discussions with the federal officials by the government and those will

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continue, but the legislation gets to a certain point in this Assembly where it's moving from the government over to the legislature and then to Parliament. I think that's what was being referred to in that reference. Thank you, Mr. Chairman.

Chairman: Thank you. Mr. Tootoo.

Mr. Tootoo: Thank you, Mr. Chairman. Thanks for that clarification.

I'm still confused here because I know the only time where the legislation comes into the hands of the Assembly is basically through the committees, which is the process that we're going through here right now, where its had second reading and it gets referred to a certain committee for review. The committee reports back on it and whatever it reports back on it gets voted on for third reading, and then it's a government bill and its law, if it's passed by the Assembly, it's still a government's bill.

So I'm still confused how the onus would be on the Assembly to deal with the federal government on anything related to a government bill. I could see if it was an Assembly bill and not a government bill, that required it, but this isn't; it's a government bill. I don't know if you can appreciate my confusion. I'm just confused and I'm not quite sure on that. So maybe if you can try and clarify it again and we'll leave it at that, and review everything after. Thank you, Mr. Chairman.

Chairman (interpretation): Thank you, Mr. Tootoo. Mr. Tarnow.

Mr. Tarnow: Thank you, Mr. Chairman. I'm going to read to you section 38 of the *Nunavut Act* is that, and you'll be just as wise as I am, it says this, "The law of the

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It's saying that the existing *Official Languages Act*, because we're removing the Dene languages, we would be diminishing the rights that are now in that Act, and they're saying it may not be amended, it may not be repealed, or whatever. We can't make those changes without the concurrence of Parliament by way of a resolution.

It's a technical Parliamentary procedure issue as to at what point the concurrence would have to be. Is it after third reading that the Parliament of Canada has to give its concurrence with? It's something maybe the Parliamentary Counsel in Ottawa and the Legislative Assembly's Counsel are going to have to maybe deal with at some point. We're trying to deal with it.

The legislation, at this point, it's not at the stage yet, but we've been having these discussions. They, themselves, in Ottawa don't have an answer for us as to how the procedure works. Thank you, Mr. Chairman.

Chairman (interpretation): Thank you. Mr. Tootoo.

Mr. Tootoo: Thank you, Mr. Chairman. After listening that the resolution that

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C (ጋጎትበሆ): የ<mark>d</mark>ታቴሲቮ, Δካላየኦርቴ. ሲርርኦቴበና ለየ<mark>d</mark>ትዎቴኒስበርኦሲላየቴናσናቴ, you're talking about is the resolution of Parliament, it's not a resolution from this Assembly, I would assume that it's a government bill that it would be the government that would be going to Ottawa asking them to pass that resolution and not dump that responsibility onto the Legislative Assembly. That's just my feelings on that that there is something that we're going to be looking at very closely to try and figure out ourselves. Thank you, Mr. Chairman.

Chairman (interpretation): Though I didn't hear a question. Mr. Minister, if you'd like to respond. Minister Tapardjuk.

Hon. Louis Tapardjuk (interpretation): Once these bills have been enacted, then they would become law. If this becomes law, how the federal government should be dealing with this, that's what we're dealing with.

My officials can elaborate further on that and I expect that after it's been read for the third time, our officials and the members' clerk would discuss this further and that we have come to a decision on that Parliamentary resolution required, especially for Bill 6, as Bill 7 doesn't necessarily have to go through the Legislative Assembly.

Chairman (interpretation): Thank you, Minister Tapardjuk. Prior to me going back to Mr. Barnabas, our Legal Counsel, Ms. Cooper, I would like to ask her if she would like to make a comment on what she had heard. Ms. Cooper, would you like to comment?

Ms. Cooper: Thank you, Mr. Chairman. Just to let the members know that to date, the Department of Justice has been dealing with the federal government on the issue of

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My understanding of the concern is that the federal government is, perhaps, reluctant to bring forward a resolution in Parliament until after these bills have been assented to because they don't want to give support or concurrence to a bill which might yet be amended in this Assembly.

On the other hand, we're somewhat reluctant to put a lot of work and effort to something without any sort of assurances that it's ever going to be able to be implemented because we don't have the concurrence of Parliament. So we're still working that out. Thank you, Mr. Chairman.

Chairman (interpretation): Thank you, Ms. Cooper. Thanks for the clarification. Mr. Barnabas.

Mr. Barnabas (interpretation): Thank you, Mr. Chairman. (interpretation ends) How do you see the Languages Commissioner being able to maintain an independent ombudsperson role, which involves mediating between parties and facilitating solutions to protect rights, while at the same time playing an enforcement or policing role with specific powers such as imposing fines under the legislation? Thank you, Mr. Chairman.

Chairman: Thank you, Mr. Barnabas. Minister Tapardjuk.

Hon. Louis Tapardjuk (interpretation): Thank you, Mr. Chairman. I will have Mr. Cloutier respond to that question.

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Mr. Cloutier (interpretation): Thank you, Mr. Chairman. Thank you, Mr. Barnabas. (interpretation ends) Regarding your first question, will the Languages Commissioner remain independent officer and the answer to that is yes. The Languages Commissioner is appointed by the Legislative Assembly and he will remain an independent officer of the Legislative Assembly, and remain a watchdog of language rights to make sure that the Government of Nunavut and also now, private sector and also the federal government, will also comply with the language requirements or their obligations. So, yes, he will be an independent officer and remain a watchdog, an independent ombudsman to look after language rights to make sure that these rights are protected and they are enforced.

Regarding the compliance mechanism, in the legislation in both Bill 6 and also Bill 7, if we talk about Bill 6, new added responsibilities or powers have been added in terms of investigation. So now, the Languages Commissioner will have stronger investigative powers.

Right now, all we have under the current Official Languages Act we inherited from the NWT is that the Languages
Commissioner can't do an investigation, and once he receives a complaint, then he would contact the department, like a deputy minister or someone from the department. If the department does not want to cooperate, then that's almost the end, then he reports back to the Legislative
Assembly but there are no avenues for the Languages Commissioner to do much currently.

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With the new legislation, he will be able to have stronger investigative powers. Let's say he received a complaint, he contacted the DM, there's some reluctance, he will still be able to go to an office of the government, enter the office and collect documents, collect evidence, talk to people, ask people to make copies of documents, and so on. So these new powers have all been granted through the new legislation to the Languages Commissioner.

Following his investigation, he will be able to make a report, make recommendations to correct the situation, like to correct a concern about language use, and then the department or the organization will have to comply. If there's still no compliance, then it could go further. The information can be made public by tabling the investigation before the Legislative Assembly, or if it applies to another sector, then he can also make the documents public and publish them.

Even if after that there is still no action taken, the department knows the organization doesn't follow the recommendations, then if it comes to that point where it is very difficult to correct the situation, the individual that brought forward the concern can go to court and file a legal action, or now, the Languages Commissioner has been given the new power to launch himself or herself a legal action to file an application independently to the courts, and then the courts will decide if they will order damages, penalties, and so on, they will order actions to be taken, pay damages, and also, the court can even order a government department or an organization to pay money to a fund that would promote a group that deals with a specific language. (interpretation) Thank you.

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Chairman (interpretation): Thank you. Mr. Barnabas.

Mr. Barnabas: Thank you, Mr. Chairman. Maybe not if it's an officer of the House.

It has been noted that one of the Languages Commissioner's proposed roles will be to mediate with violators of the *Inuit Language Protection Act*, using IQ principles, without recourse to specific tools or punishment such as fines. How do you envision this process being effective with companies that fall under federal jurisdiction, such as banks and airlines, or with Crown corporations, such as Canada Post? Thank you, Mr. Chairman.

Chairman (interpretation): Thank you, Mr. Barnabas. Minister Tapardjuk.

Hon. Louis Tapardjuk (interpretation): I will refer that question to Stephane.

Chairman (interpretation): Thank you. Mr. Cloutier.

Mr. Cloutier (interpretation): Thank you, Mr. Chairman. Thank you, Mr. Barnabas. (interpretation ends) If we look at the *Inuit Qaujimajatuqangit* principles, like *Aajiiqatigiinniq* and *Piliriqatigiinniq*, *Qanuqtuurniq*, these are the sort of principles that we heard through our consultations that we should be using in resolving problems.

Elders did not like this idea where there's confrontation, when there's a problem, then there's confrontation, there is a very adversarial role. Instead they asked us to try to resolve these problems through discussions, working together, and find innovative solutions.

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office and the banks, I think these will be key, to have good relations with those sorts of organizations, to have good discussions and collaboration and ensure that we're open to assist them as well. They will require terminology in some areas.

So the government is proposing to establish the *Inuit Uqausinginnik Taiguusiliuqtiit* to develop terminology and also assist businesses and private organizations to ensure that they use proper terminology and also they use the highest quality of the language on their signs and documents.

So collaboration is the key for compliance and we have looked at other jurisdictions, at other provinces, and we kept referring to what's going on in Quebec. I think there was a misunderstanding that Quebec has language cops, which is absolutely not true. You don't have language cops going down the streets of Montreal to look for faulty organizations. That's not the case.

The staff working at l'Office québécois de la langue française, the French Language Office, they are like staff working for the Languages Commissioner here, and what happens is they receive a complaint and they start taking actions. As the minister mentioned earlier, 97 percent of all complaints received at the French Language Office are resolved through collaboration and discussion.

We felt ever resorting to putting a fine to organizations and the reason why we look at Quebec when we talk about penalties and signs is because those businesses that get penalized from not complying, they are the companies that get all of the bad publicity, or the media attention.

So 97 percent of all the cases that were resolved collaboration, we don't see them.

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All we see is the little reminder that the business, because usually when there is a fine, businesses, organizations are most likely to challenge these fines. So now, you need to go, again, to court and there are all the legal fees and it's time consuming, so it's a very lengthy process.

And, I think what is proposed here is more based on IQ principles through collaboration. (interpretation) Thank you.

Chairman (interpretation): Thank you. Before we go ahead, we will take a 15-minute break.

>> Committee recessed at 14:50 and resumed at 15:14

Chairman (interpretation): Thank you for coming back. We will start again. Mr. Arvaluk.

Mr. Arvaluk (interpretation): Thank you, Mr. Chairman. I also would like to welcome the minister. During our first hearing last month we heard a number of concerns regarding the issue of language of instruction in schools. Some of the presenters indicated that the bills are too weak with respect to the issue of language of instruction in schools. Do you believe that \$6.9 million is a realistic amount to recruit teachers, train them, and to develop curriculum and learning resources in the Inuit language, and how did you arrive at this \$6.9 million, using what?

I'm talking about your response to Mr. Mapsalak through correspondence and this \$6.9 million figure was mentioned in the letter. Thank you, Mr. Chairman.

Chairman (interpretation): Thank you, Mr. Arvaluk. Minister Tapardjuk.

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Hon. Louis Tapardjuk (interpretation): We have been working with the working group. This \$6.9 million figure has been given to us by the Department of Education. We were told by the department that once these Acts are enacted, they would believe that \$6.9 million would be the amount. We have been told that the development of curriculum and learning resources would cost that much, Mr. Chairman.

Chairman (interpretation): Thank you, Minister Tapardjuk. Mr. Arvaluk.

Mr. Arvaluk (interpretation): Thank you, Mr. Chairman. How old is this \$6.9 million that was mentioned and were you given a new figure, or did they give you a new estimate from that department after they had provided you with that figure? Thank you.

Chairman (interpretation): Thank you, Mr. Arvaluk. Minister Tapardjuk.

Hon. Louis Tapardjuk (interpretation): To date, the Department of Education has not informed us otherwise whether this figure is going to increase or decrease. I don't think they would decrease it but they have not given any changes since this figure was given to us to be used for curriculums. Thank you, Mr. Chairman.

Chairman (interpretation): Thank you, Minister Tapardjuk. Mr. Arvaluk.

Mr. Arvaluk (interpretation): Thank you, Mr. Chairman. Although I know that we're not scrutinizing the bills clause-by-clause, it's evident that Bill 7, subsection 4 on page 31, a number of presenters were asked questions. They indicated that the proposed effective dates for the implementation of certain key provisions of the *Inuit*

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Language Protection Act, especially in the area of language of instruction, provide too long of a time frame and they recommend a significantly faster timetable. How did your department develop its timetable and how did you consult with the Department of Education in this area? How did you consult with the Department of Education in this area to provide a time frame for grade three and beyond? Thank you.

Chairman (interpretation): Thank you, Mr. Arvaluk. Minister Tapardjuk.

Hon. Louis Tapardjuk (interpretation): We have been discussing this with the Department of Education. Once this Act has been enacted, they have identified the effective dates for implementation. As I stated in the beginning of this hearing, they focused mainly on the need to have a proper curriculum and that was their priority. Their priority was set to have the curriculum be done properly. Thank you, Mr. Chairman.

Chairman (interpretation): Thank you, Mr. Minister. Mr. Arvaluk.

Mr. Arvaluk (interpretation): Thank you, Mr. Chairman. Although I understand exactly what you said that we need proper school curriculums, but from grade three to grade six, they're still at the elementary school stage. Why do they have to be treated like a high school? Could you tell me why that is so? Thank you.

Chairman (interpretation): Thank you, Mr. Arvaluk. Minister Tapardjuk.

Hon. Louis Tapardjuk (interpretation): The reasoning is having capable teachers that can instruct in those languages. There are individuals in the teacher training program but we expect that we will lack

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Chairman (interpretation): Thank you, Mr. Tapardjuk. Mr. Arvaluk.

Mr. Arvaluk (interpretation): Thank you, Mr. Chairman. We heard recommendations from presenters last month that all subjects in all grade levels in Nunavut's public schools should be taught in Inuktitut, including such subjects as mathematics. In your view, is this a realistic goal and how long would it take to achieve? Thank you.

Chairman (interpretation): Thank you, Mr. Arvaluk. Minister Tapardjuk.

Hon. Louis Tapardjuk (interpretation): The Department of Education would be in a better position to respond to that question. When it comes to schools, teaching in Inuit languages, including all subjects, I agree that this could be difficult and challenging.

To date, we are still developing a school curriculum and a mathematics curriculum. We will have to consider all of those and others that have to be taught to the grade 12 students. The curriculums, I'm sure, will have to be done properly, especially the terminology establishment. For example, the Inuit Language Authority, once we start fixing up the dialects, the terminology work will be challenging.

I know that there are many new issues. If they were used in the past, then we would Δ /L Γ />P $^{\circ}$ Δ Γ , P Δ P $^{\circ}$ C $^{\circ}$ C $^{\circ}$ AL $^{\circ}$ Δ Γ 0 $^{\circ}$ P Δ ^{\text{Ph}}/\text{Ph} \Delta \Cappa \Delta \

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have a better idea of how challenging the work would be but since this has never been done, we are mainly on guesstimates. So that's why we stated that after five years, the Act would have to be reviewed again.

Although we know that in Greenland they teach up to grade 12 using their own language, in regard to your question, it's possible but it's going to be challenging to establish the school curriculum, Mr. Chairman.

Chairman (interpretation): Thank you, Minister Tapardjuk. Mr. Arvaluk.

Mr. Arvaluk (interpretation): Thank you, Mr. Chairman. Are we talking about Bill 7? Bill 7 will have to be reviewed again, but once Bill 6 has been enacted it's going to be very difficult to make changes, especially when the federal government has to make a resolution to approve it.

The *Ajauqtiit* Committee is scrutinizing the Act. Would you be prepared to accept any amendments to the bills with respect to the issue of language in schools? Will you be prepared to accept any amendments or additions to that? Will you be prepared to accept that, and if not, why not? Thank you.

Chairman (interpretation): Thank you, Mr. Arvaluk. Minister Tapardjuk.

Hon. Louis Tapardjuk (interpretation): If there are going to be any proposed amendments, we would be open to reviewing them.

When it comes to education issues, we would have to work closely with the Minister of the Department of Education because they have bills they have

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Chairman (interpretation): Thank you, Minister Tapardjuk. Before I get back to Mr. Arvaluk, I would like to welcome the young people who are in the Gallery. I'm sure that they will be impacted by these bills, so I would like to welcome them. Mr. Arvaluk.

Mr. Arvaluk (interpretation): Thank you, Mr. Chairman. Before I ask my fifth question, I would like to get some further clarification.

Last spring during a dog team race from Igloolik, your home riding, to Hall Beach to Repulse Bay, I traveled with both of my sons who are both nine years old now. I've been taking them out hunting since they were two years old.

I have knowledge where they say that if you take your children out on the land and teach them how to hunt, it's equivalent to being taught in the schools and they could receive credits for that. By knowing that, I teach my sons outdoor survival. As a result, they can dry their own clothes and they can soften their mitts and turn them inside out to dry them. They just turned nine and they're very capable of doing these things. I'm very happy to do that.

When they went to Coral Harbour to be with their mother, they went to school there. In Pond Inlet, they were taught in Inuktitut and they have received ESL, English as a Second Language, and they were the best students. One of them had an A and the other one had A+, which is an

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average grade.

When they went to Coral Harbour, they had to repeat grade four because they only knew Inuktitut and because I taught them Inuit ways in Pond Inlet. So that's where it became quite confusing because we keep talking and dealing with curriculum, but it states within the Department of Education that the Inuktitut language and culture could be used to get credits. So therefore, when we start complaining about that, they brought them back to grade five.

It's totally up to their discretion without using the Act. So therefore, my next question is: do you believe that the Nunavut Government has the necessary tools to examine and assess students in the Inuit language? Have you done that? Thank you, Mr. Chairman.

Chairman (interpretation): Thank you, Mr. Arvaluk. Minister Tapardjuk.

Hon. Louis Tapardjuk (interpretation): Thank you, Mr. Chairman. I think the questions are more directed towards the educational policies. I'm sure that they will be working with the Inuit Language Authority, but from what I've heard, and if the *Education Act* should be concurred with, the unilingual Inuit will be recognized as professional teachers and I'm sure that it would be a compliment to the programs.

I think your question is alluding to policy and regulations. Thank you, Mr. Chairman.

Chairman (interpretation): Thank you, Minister Tapardjuk. Mr. Arvaluk.

Mr. Arvaluk: Thank you, Mr. Chairman. I'm not sure if the minister will be able to answer my question because he is not a

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lawyer, just like me, but he can direct his answer to one of his staff.

Bill 21, the proposed new *Education Act*, was introduced in the Legislative Assembly just a few weeks ago in the last session that we had. Can you indicate to the standing committee whether there are any conflicts between Bill 21 and Bill 6 and Bill 7 with respect to the issues of language of instruction? Thank you, Mr. Chairman.

Chairman (interpretation): Thank you, Mr. Arvaluk. Minister Tapardjuk, if you could respond.

Hon. Louis Tapardjuk (interpretation): This is a question that had been posed with regards to language of instruction, especially in regard to Bill 7, which is geared towards human rights legislation. Bill 7 is for the protection of the Inuit language.

In regard to your question, whether there's conflict between Bill 21 and Bills 6 and 7, possibly Mr. Tarnow can respond to that question as he is our Legal Counsel and he can identify if there should be any conflicts between Bill 21 and Bills 6 and 7, Mr. Chairman.

Chairman (interpretation): Thank you, Mr. Minister. Mr. Arvaluk, do you have any other questions? Go ahead.

Mr. Arvaluk: My last question is a supplementary one. Have you communicated with the Greenland Government, for example, with their own experience with their official languages in Greenland and their education system? In the relationship between their education system and the official languages, have you communicated with them to see what kind of experience they have and what

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Chairman (interpretation): Thank you, Mr. Arvaluk. Minister Tapardjuk.

Hon. Louis Tapardjuk (interpretation): Yes, I have met twice with my counterpart with the Home Rule Government in Greenland. They are teaching their own language up to grade 12. I'm not sure what they call their Inuktitut, Kalaallisut.

They're fluent in their language but they can't speak English or Danish, so it becomes too confining if they can't communicate with the rest of the world. At this time, they are starting to implement more English and Danish courses. It was too constricting or confining for them to learn Greenlandic only.

Mr. Chairman, I would like Mr. Tarnow to make a supplementary comment in regard to whether there are any conflicts between Bill 21 and Bills 6 and 7. Possibly, it would be best if Mr. Tarnow could make a supplementary comment on that last question if it's okay with you, Mr. Chairman.

Chairman (interpretation): Thank you, Minister Tapardjuk. Mr. Tarnow.

Mr. Tarnow: Thank you, Mr. Chairman. It is my understanding that the new education legislation was drafted with Bills 6 and 7 in mind so that they all work together. So there should be no conflicts at all, so it would be complimentary.

Chairman (interpretation): Thank you. I don't know whether you finished your comments or not, Mr. Arvaluk.

Mr. Arvaluk: I just need a little bit more

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Do you envision then that the education system will be pulled towards Bill 6 itself so that bilingual education is an essential part of the Nunavut Territory? (interpretation) Thank you, Mr. Chairman.

Chairman (interpretation): Thank you, Mr. Arvaluk. Minister Tapardjuk.

Hon. Louis Tapardjuk (interpretation): Thank you. (interpretation ends) I think my colleague will be glad to know that the Greenlandic officials did indeed review our draft bills and they were pretty happy with it. So the Greenlanders are quite envious of our language legislation.

(interpretation) It's very clear right now that there is a need for the *Inuit Language Protection Act* as we don't have anything like that within our pieces of legislation. What we do have is the official languages of the English language, the French language, and the protection of those two languages. By law, once we have enacted Bill 6, and Bill 7 especially, and once they are concurred with, then there would be a protection in law of the Inuit language.

At this time, there is no protection of the Inuit language, and once the passage of Bills 6 and 7 are completed, then we would have the Inuit language rights, which would have an impact on the *Education Act* and all other pieces of legislation. At this time, we are looking for the protection of the Inuit language and also have Inuktitut as an official language.

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Chairman (interpretation): Thank you, Minister Tapardjuk. Thank you, Mr. Arvaluk. Mr. Tootoo.

Mr. Tootoo: Thank you, Mr. Chairman. I know that the minister had indicated earlier in his opening comments where they considered all of the information they received very carefully. I'm just wondering if you could give us an idea of what specific input and recommendations that the businesses and the private sector provide to your department in the development of these two pieces of legislation. Thank you, Mr. Chairman.

Chairman (interpretation): Thank you, Mr. Tootoo. Minister Tapardjuk.

Hon. Louis Tapardjuk (interpretation): Thank you. I will refer this question to Stephane Cloutier as he is more involved in those areas.

Chairman (interpretation): Thank you, Mr. Minister. Go ahead, Mr. Cloutier.

Mr. Cloutier (interpretation): Thank you, Mr. Chairman. Thank you, Minister. (interpretation ends) When the Legislative Assembly's Special Committee reviewed the Official Languages Act that we inherited from the NWT from 2000 to 2003, there were a number of submissions or recommendations made that not only we needed to make changes to the Official Languages Act, but also, we needed a new piece of legislation, the *Inuit Language* Protection Act, and that piece of legislation will apply to the private sector. There were numerous recommendations that were made to apply to the private sector but there was very little input that the Legislative Assembly Special Committee received from that sector.

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Chairman (interpretation): Thank you. Mr. Tootoo.

Mr. Tootoo: Thank you, Mr. Chairman. Thank you, Mr. Cloutier. Can you give us some ideas of any input that you received, or any concerns raised by those people that you consulted on there and what those concerns were? Were any changes made to the draft legislation as a result of the any of the concerns or issues raised by the private sector? Thank you, Mr. Chairman.

Chairman (interpretation): Thank you, Mr. Tootoo. Mr. Cloutier.

Mr. Cloutier (interpretation): Thank you, Mr. Chairman. (interpretation ends) Thank you, Mr. Tootoo. Through the initial consultation process, there were a number of concerns raised.

The businesses had concerns that we should propose something that will be achievable for them. They always let us know that if we propose measures that will incur a big cost on their operations, then that would be transferred back to the consumers, so we have to be careful in that way.

There were other things that, in the

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ἀὀ·ϹΔ (ϽʹͱϒΛͿ·): ʹͼͿϧ·_ʹΔ[†], Δ^ϧϒͺ«ϷϹʹ·^ϧ, ΗϤ^ϙϽϽ ϷʹͼϧͼϒϹʹͼϧͺͿϹ·^ϧͺϽʹͰͼ ΔΥͺͰϽʹϒͼϧͼϹϹϷʹͼϧϒͰͺϯʹ.

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meantime, or for the time being, would be very difficult to implement. When we were discussing with the retail sector, they have thousands of products in their stores, 80,000 to 100,000 of products, and the translation of these products would be a huge project and it will take many years to get translations for all of these names.

So they identified that sort of concerns but on the other hand, since we had these consultations or discussions with the private sector, we have seen changes from that time. From 2004, we have seen customer call centres established here in Iqaluit with Inuktitut speaking staff and we have seen more signs in the stores, either exterior or inside the stores.

Following these discussions, we see that the businesses are more than willing to be proactive and to look at the new requirements, and try to be proactive in implementing them. So there is some sort of an acceptance of their new obligations and I think that this is very good for Nunavut. (interpretation) Thank you.

Chairman (interpretation): Thank you. Mr. Tootoo.

Mr. Tootoo: Thank you, Mr. Chairman. Just again, were any of the concerns raised by them result in changes made to the draft legislation? Thank you, Mr. Chairman.

Chairman: Thank you, Mr. Tootoo. Mr. Cloutier.

Mr. Cloutier (interpretation): Thank you, Mr. Chairman. (interpretation ends) Yes, there were concerns that were raised.

There is now a requirement for every organization to provide their signs, posters, and advertisement, as well as the reception,

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customer and client services in the Inuit language. This is to a point that everyone will have to do it but there might be some smaller businesses like a one-person business where these requirements might be difficult to implement. So we added a provision in the legislation that when a business would meet serious difficulties in implementing their requirements, they will be able to go to the Languages Commissioner and work out something with the Languages Commissioner.

If they cannot do it immediately, they can work with the Languages Commissioner and devise a plan over time to see how they can get some assistance to see how they can implement and meet their obligations. So that's one sort of concern we heard that they did not want the similar approach like a very coercive approach regarding the implementation of the language legislation but one that is a collaboration approach, and that's what we put in the legislation.

So there are provisions now that when there's undue hardship, or when the business would meet serious difficulties in implementing, then there is the option also to work with the Languages Commissioner, and collaborate with the Languages Commissioner to devise a plan and implement over time. (interpretation) Thank you.

Chairman (interpretation): Thank you. Mr. Tootoo.

Mr. Tootoo: Thank you, Mr. Chairman. Say for example, in a one-person, out of home business, and I know it's something that there's quite a bit of here in Iqaluit and I would assume in some of the other communities as well, whether if it's a non-Inuit person doing that, it wouldn't be feasible for them.

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Maybe they don't have signs, or maybe they're their own staff; they don't have any other staff. What would happen in cases like that? I know that there are a number of businesses like that. I used to run one out of my home too, and my signs were both in English and Inuktitut; in syllabics. In some cases where it may not be feasible for someone to do that, I'm just wondering what would happen in cases like that. Thank you, Mr. Chairman.

Chairman (interpretation): Thank you, Mr. Tootoo. Minister Tapardjuk.

Hon. Louis Tapardjuk (interpretation): As Mr. Cloutier had indicated earlier, these individuals who are in a hardship can approach the Languages Commissioner. If they can't meet the requirements of the legislation and we're not overly concerned with the others that are not within the services sector as we are trying to protect the service centres. We have already indicated that there is the option of approaching the Languages Commissioner. Thank you, Mr. Chairman.

Chairman (interpretation): Thank you, Mr. Minister. Mr. Tootoo.

Mr. Tootoo: Thank you, Mr. Chairman. How will your department work with companies in Nunavut such as Arctic Cooperatives and NorthMart to ensure that all of its Inuit and non-Inuit customers can receive service in Inuktitut, Inuinnaqtun and English?Thank you, Mr. Chairman.

Chairman: Thank you, Mr. Tootoo. Minister Tapardjuk.

Hon. Louis Tapardjuk (interpretation): Thank you. I will refer this question to Mr. Cloutier.

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Mr. Cloutier (interpretation): Thank you, Mr. Chairman. (interpretation ends) The private sector in the legislation; what is being proposed through this legislation, like business corporations will be able to work through the Languages Commissioner, like as I mentioned earlier, they will be able to submit an Inuit Language Plan, which will be looking at the measures that are needed to implement and meet the requirements.

If staff needs more training, that's something that could go in the plan, and also, identify the timeline for implementation for the specific corporations, as well as identify the staff that will be required to deliver services in the Inuit language.

There will also be assistance provided by the Inuit Uqausinginnik Taiguusiliuqtiit, the Inuit Language Authority, that Bill 7 will establish which will provide assistance in the form of providing expert advice on terminology used, like Inuit language used on signs and documents, to ensure that when a business erects signs in a community that what is on the sign corresponds to what is used in that community. Just to give you an example, if a retail store or any corporation would set up a sign in Kugluktuk, well Taiguusiliugtiit will be able to provide assistance to say, "That sign should be in Inuinnagtun written in Roman Orthography, as opposed to having it in Syllabics."

So that sort of the Languages Commissioner will provide assistance with planning, Inuit language planning, **Δ⁶/«>C⁶⁶**: ⁶d⁶σ Γ⁶. Γ⁶C d⁶CCΔ.

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So any major achievements where we see that a corporation or a business is complying with their requirements, there will be a way to recognize that and to acknowledge that in a way that sends a positive message to the private sector and also to consumers. It pays in the end to provide services in the Inuit language and that we should support or market our Nunavut economy. (interpretation) Thank you, Mr. Chairman.

Chairman (interpretation): Thank you. Mr. Tootoo.

Mr. Tootoo: Thank you, Mr. Chairman. Just in the last answer you indicated where individuals would go to the Languages Commissioner to help set up a plan and that, I just wonder why they would not go to the department for that instead of the Languages Commissioner.

If the Languages Commissioner is the one that's doing the policing end of things, that's the same argument the government just finished using on splitting the Liquor Licensing Board; they can't have one thing in place to be responsible for implementation and enforcement.

So I'm just curious to hear a rationale behind because it seems this could potentially put that position in a bit of an <`a>P\orbitan
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awkward situation where they may recommend something and that could get challenged. There could be potential conflict there, so I'm just wondering if we could get a rationale why it was decided to go that way instead of going through the department. Thank you, Mr. Chairman.

Chairman: Thank you, Mr. Tootoo. Minister Tapardjuk.

Hon. Louis Tapardjuk (interpretation): I'll have Stephane Cloutier respond to that question, Mr. Chairman.

Chairman: Thank you. Mr. Cloutier.

Mr. Cloutier (interpretation): Thank you, Mr. Chairman. (interpretation ends) The Languages Commissioner will not be a police officer; he is an independent officer of the Legislative Assembly. He is an ombudsman and an ombudsman approach is based on collaboration.

Having a strong ombudsman in Nunavut that is a watchdog for language rights but also can provide collaborative support, in terms of finding ways to see the best way to implement this legislation, like compliance, we're talking about how the businesses can comply with their requirements.

So that's the role of the Languages Commissioner that he can provide that sort of support to help the businesses to comply. One way to get there is through putting up, or setting up, or developing and implementing an Inuit language plan that will identify the measures, timeline, and staff for the business or the organization to comply with our requirements.

For the Government of Nunavut, the Minister of Language will have a role to

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play in putting and setting up programs and services, and of course, these programs and services will be detailed after consultations that is required under the legislation. The Minister of Language is required to consult with Inuit and members of the Francophone and Anglophone communities to develop programs and services that will promote the official languages as well as promote the Inuit language.

There could be a way, under CLEY there is a grants and contribution program and there's funding going to community based organizations, non profit organizations, and some of these organizations in the communities all across Nunavut. We received proposals where elders, or organizations, they want to provide language training to the residents of these communities.

So in the future, once this is implemented, it could be a way to support the private sector to provide organizations. It could be a program, such as language training, to support people working in the private sector to provide better services in the Inuit language. (interpretation) Thank you.

Chairman: Thank you. Mr. Tootoo.

Mr. Tootoo: Thank you, Mr. Chairman. I think that kind of leads nicely into my next question. One of the submissions that the standing committee received recommended that private sector bodies, such as NTI, Northern Stores, the Co-ops, be required by law, as you indicated, to develop Inuit language plans to manage their compliance with the legislation. I'm just wondering what kind of resources will be required for such organizations to do this. Do you believe that any public money should be provided to large and profitable companies to help them implement these plans? Thank

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you, Mr. Chairman.

Chairman (interpretation): Thank you, Mr. Tootoo. Minister Tapardjuk.

Hon. Louis Tapardjuk (interpretation): I will refer this question to Mr. Cloutier. Thank you, Mr. Chairman.

Chairman (interpretation): Thank you, Minister Tapardjuk. Mr. Cloutier.

Mr. Cloutier (interpretation): Thank you, Mr. Chairman. (interpretation ends) To assist corporations and businesses with their language planning exercise, what has been proposed is that the Languages Commissioner will provide that sort of assistance to these organizations. They will be able to access that sort of assistance and support from a well established independent body, from the Languages Commissioner's Office, to help them with the planning exercise.

As I mentioned earlier as well, *Taiguusiliuqtiit* will, in terms of incentives for compliance, be able to acknowledge and recognize achievements, which is usually businesses that don't like much bad publicity. They tend to prefer very good publicity. They like to be good corporate citizens.

So that's the approach that is being proposed: to have collaboration and also promote what the businesses are able to do, and that way, it will encourage other organizations to follow. (interpretation) Thank you.

Chairman: Thank you. Mr. Tootoo.

Mr. Tootoo: Thank you, Mr. Chairman. It's not just the private sector businesses that like good news stories. I think

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governments like them too, they don't happen often enough for them sometimes.

Another issue that was brought up in some of the submissions to the committee indicated that there would be potentially costs in complying with the legislation in the areas such as getting signs translated, brochures, and any other materials that may be necessary. Do you guys have any idea on how much it would cost Nunavut companies to comply with this legislation, whether it is a one time cost, or any ongoing expenditure? Thank you, Mr. Chairman.

Chairman: Thank you, Mr. Tootoo. Minister Tapardjuk.

Hon. Louis Tapardjuk (interpretation): We have identified the potential costs to Crown corporations but not for the private businesses. Perhaps, Mr. Cloutier can respond to that question better than I when it comes to businesses and what the potential costs might be. I'll have Mr. Cloutier respond to that, Mr. Chairman.

Chairman (interpretation): Thank you. Mr. Cloutier.

Mr. Cloutier (interpretation): Thank you, Mr. Chairman. (interpretation ends)
Through consultations with the business community, representatives of the business community, they have identified that putting the Inuit language on signs that that's part of doing business in Nunavut. This is something that we already see that they are already spending in this area, ensuring their signs, advertisement, and posters are in the Inuit language.
So this is something that the businesses are taking responsibility over.

However, they asked members of the

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representatives of the business community and they were very adamant to say that they need some assistance in terms of proper language use, like which Inuktitut term to use, in which dialect, is the spelling correct, and so on. So they said they would comply with the legislation as long as they are getting support and assistance on the proper language use on signs, documents and so on.

Through the *Inuit Language Protection*Act, there will be the *Inuit Uqausinginnik*Taiguusiliuqtiit, the Language Authority
that will be established that will provide
that sort of assistance where an
organization, a business, maybe even a
federal department could go to
Taiguusiliuqtiit and say, "Here's my sign.
Here are my documents. Could you review
them and make recommendations? Is it
proper use?" These things are part of doing
good business in Nunavut.

If you work with a majority of Nunavummiut that speak the Inuit language, so it's just, I think, fair to do good business and provide your services in the Inuit language and support that with some expert advice, or expert assistance, in terms of language use. (interpretation) Thank you.

Chairman (interpretation): Thank you. Mr. Tootoo.

Mr. Tootoo: Thank you, Mr. Chairman. Just a last question for me. Any time the private sector incurs increased cost, it gets passed on to the consumer. When you look, for example, just with the recent increase in aviation fuel, caused both airlines, I'm sure all the airlines, but the two major airlines, to come out with announcements that, effective immediately, their prices were going up accordingly. When you look at

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the additional cost, I think they'll use this and in some cases, they know they won't be able to comply in some areas.

If you look at the NNI Policy, for example, where they have contracts targets for Inuit employment, and in a lot of cases, contractors are realizing, "There's no way I'm going to be able to meet those targets," so they're padding their bids because they know they're going to get penalized for that part of it anyway. So let's say the penalty is \$10,000, you'll find they're adding an extra \$10,000 onto their bids before they even put them in gnowing that there's going to be a company that they know from reality and that that they're not going to be able to meet those targets from experience.

The same thing could be said here. There's another well intentioned policy but it's not achieving, if that's what's happening, it's not achieving what it's intended to achieve, and I see the danger here with the same thing.

If someone says, "Okay, I'm not going to bother to comply, it's going to be too difficult. I can put my signs up, I can do some of it, but some of it I'm not going to bother doing." After additional costs, fines or whatever, those costs are all going to get passed on to the consumer, and you hear stories of nurses leaving because they can't afford to live in Nunavut. There was a nurse in Arviat that just left. When you hear that's a big concern of a lot of people working in the government, I would imagine it's even more difficult for those working outside the public sector, in the private sector in a lot of cases.

So I'm just wondering if any thought has been given to that in this whole process, or just another, "Here you go." The average $dPC^{10}CP + \Delta^{10}G^{$

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Chairman: Thank you, Mr. Tootoo. Minister Tapardjuk.

Hon. Louis Tapardjuk (interpretation): Thank you. First of all, just to clarify a point in regard to Bill 6, the *Official Languages Act* and Bill 7, the *Inuit Language Protection Act*, the reason why we're trying to establish these two bills is because there is no protection at all for languages in Nunavut.

The people out there have been voicing their needs and the requirement for that type of protection, especially for the unilingual people, who are not being provided the services that they need. There are services in English because there is no *Official Languages Act* and no *Inuit Language Protection Act*. Due to that, the Inuktitut language is always left for last or as an afterthought.

We do need to service our people in Inuktitut, and for that, we have to know exactly what the intent of these two bills are. There are people out there who are dying of old age who are still anticipating, and there are people out there who are still anticipating having those types of services be available to them in the language of their choice, especially for the unilingual Inuit.

With that, we would like to work closely with the private companies and businesses to promote the use of Inuktitut, and to be more Inuktitut friendly by way of services Δόα/°ση°Δ° C°«%υς ΛίσγΔς Λ΄Δης. Διίτο Οίγρις Δλίσιτον Δλίσιτον Οίνον Cl°α. Ίσγα Το Δολανος.

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Under these bills, what can we do, instead of going through penalties and fines, is there a way of negotiating with the companies so that we arrive with an agreement, and in regard to Mr. Tootoo's question, and if an entity doesn't want to comply with the law, or cannot meet the requirements laid out under the law, this individual could meet with the Languages Commissioner and they will come to an agreement, or they could also make recommendations for changes in order to accommodate those types of individuals. Thank you.

Chairman (interpretation): Thank you. Mr. Tootoo.

Mr. Tootoo: Thank you, Mr. Chairman. So the short answer is no, the government didn't take a look at that at all of those costs being passed on to the consumer. I just want to confirm that. I was just looking if would they take that into consideration in developing the Act or not, so I guess the answer is no. I just want to get a confirmation if that was a correct interpretation or not. Thank you, Mr. Chairman.

Chairman (interpretation): Thank you, Mr. Tootoo. Minister Tapardjuk.

Hon. Louis Tapardjuk (interpretation): What we have been repeating is that we'll have to take those into consideration. When it comes to the private businesses, if they're going to be selling a product, does the product have to be labelled in Inuktitut? And, if that's going to be the case, the incurrence and what is being passed to the consumer would be quite large.

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There is a provision in the law that the Inuit Language Authority would deal with the issue of putting things into Inuktitut. It has been considered but we did not arrive with any figure.

Chairman (interpretation): Thank you. Mr. Tootoo, Mr. Barnabas.

Mr. Barnabas (interpretation): Thank you, Mr. Chairman. The questions that I will be posing will be part and partial of my colleague's questions. Many stores and banks in Nunavut now have ATM machines; however, bank machines usually have only English and French menus.

Recently, one of Royal Bank of Canada's ATMs in Iqaluit introduced a Chinese language feature. If ATMs can be used in Chinese and other languages, it seems reasonable that they could also be made available in Inuit languages.

Earlier this year, the Iqaluit based Pirurvik Centre received a national award for its work in promoting Inuit languages, including projects to improve the use of Inuit languages in computers.

Would the government consider, or work together with, such entities and make efforts to work with banks and stores so that ATMs can be more user friendly for unilingual customers, especially elders who don't speak in English and for those who only read Inuktitut? Thank you, Mr. Chairman.

Chairman (interpretation): Thank you, Mr. Barnabas. Minister Tapardjuk.

Hon. Louis Tapardjuk (interpretation): Thank you, Mr. Chairman. That's a very excellent question. Under the proposed

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bills, the *Official Languages Act* and the *Language Protection Act*, in regard to services that are provided to consumers, the Languages Commissioner can work with the businesses to see how the businesses could implement the contents of these two Acts.

And, how they could use more of the Inuktitut language within their organization? The Languages Commissioner will have the authority to do those. Thank you, Mr. Chairman.

Chairman (interpretation): Thank you, Mr. Tapardjuk. Mr. Barnabas.

Mr. Barnabas (interpretation): Thank you, Mr. Chairman. I am very glad that there are people out there who are listening to the proceedings. We have the Inuit Broadcasting Corporation here.

(interpretation ends) In its submission to the standing committee, the Inuit Broadcasting Corporation suggested that Bill 7 needs to provide for legislation surrounding the language of media products and that companies be provided with resources. One section of the proposed *Inuit Language Protection Act* states that, "the minister shall develop policies or programs intended to promote the increased production and use in all sectors of Nunavut society of linguistic expression using all kinds of media, in the Inuit language." Does this mean that that IBC will qualify to receive funding from your department to promote the Inuit language? Thank you, Mr. Chairman.

Chairman (interpretation): Thank you, Mr. Barnabas. Minister Tapardjuk.

Hon. Louis Tapardjuk (interpretation): Thank you, Mr. Chairman. I will refer this

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Chairman (interpretation): Thank you. Mr. Cloutier.

Mr. Cloutier (interpretation): Thank you, Mr. Chairman. Thank you, Mr. Barnabas. (interpretation ends) To answer right away your second question about will IBC be eligible to receive funding, currently, the Department of Culture, Language, Elders and Youth has grants and contributions focusing on language initiatives. Over the years, CLEY has provided funding to IBC and also other community based organizations to promote the Inuit language with programs and services, workshops, language training, and broadcasting. So the department already provides funding and this something that will most likely continue after.

Maybe to respond to your first question about the IBC submission, there is a new requirement which was not the case in the current *Official Languages Act*, now, with the new legislation, under Bill 6 and Bill 7, the *Official Languages Act* and the *Inuit Language Protection Act*, there is a requirement for the Minister of Language to develop a comprehensive plan to implement the legislation and that must be done in consultation with representatives of Inuit, members of the Francophone and Anglophone communities.

Part of the consultation is we already heard that this is something important to IBC, but throughout the other consultations, it's something that could be part of the implementation plan to look at ways on how to provide Inuit language content in the media, in television, but also consider other types of media like radio, the internet, print; publications, and so on.

So there is something now under ILPA, there is a requirement to look into this, to put the programs and services in place, but these programs and services must be put in place by consulting with Inuit, also with members of the Francophone and Anglophone communities. (interpretation) Thank you.

Chairman (interpretation): Thank you. Mr. Barnabas.

Mr. Barnabas (interpretation): Thank you, Mr. Chairman. This will be my last question to the minister. Do you agree with Inuit Broadcasting Corporation's recommendation that Bill 7 be amended to include a provision for the creation of a territorial educational television channel, and if not, why not? Thank you, Mr. Chairman.

Chairman (interpretation): Thank you, Mr. Barnabas. Minister Tapardjuk.

Hon. Louis Tapardjuk (interpretation): We get funding from the federal government to promote the use of the Inuktitut language and we get \$1.1 million and \$1.5 or \$1.4 million for the French languages. These monies are available to individuals or entities, whether they're individuals or groups, to promote the usage of the Inuit and French languages.

We give out quite a large amount of money annually to the Inuit Broadcasting
Corporation which comes out of this pot of money from the federal government and it's not likely there will be a termination.
This is usually through an agreement between the governments that these monies are to be used for the promotion of the Inuit and the French languages.

These monies will still be available and I

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don't think there's going to be any or very little change in this aspect.

Chairman (interpretation): Thank you. Are you done? Before I go to Mr. Arvaluk, **a**s I heard earlier on, these two bills, Bills 6 and 7, are very interesting and we would like to see them concurred with.

When we're talking about the price tag that is attached to these two bills and what is going to be passed on to the consumers, we will have to find some new monies in order to fully implement these two bills. For example, if we're going to see an increase in what the consumers are paying, especially for the Inuit, this is what I understand, there is going to be an increase of costs to the consumers.

Have you thoroughly looked what kind of financial implications on the people of Nunavut? What have you decided or made plans so that we don't see a significant increase? Minister, can you respond to that? Minister.

Hon. Louis Tapardjuk (interpretation): Thank you, Mr. Chairman. For the clarification, for example, if we're looking at a store or the local co-op, if all of their products that they carry have to be labelled into Inuktitut, I'm very confident that there has to be an increase in the price and the consumer would end up paying for that increase. That was the example that I used.

The Languages Commissioner would be able to work with these entities and see how these could be implemented. For example, if we're looking at the hamlet councils and the services they provide to the companies, their working language is in Inuktitut but if we should translate the invoices, for example, into Inuktitut and if we look at all of these factors, I think we're

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looking at about \$4.8 million, and then these would be paid for by the Community and Government Services.

In our annual requests for budgeting, we estimate how much it would cost for the year, and if these two bills are concurred with, I'm sure that CGS would ask for additional money in order to accommodate the implementation and the additional requirements they will need to use the Inuktitut language.

The Department of Education and the Inuit Language Authority would be affected due to the added responsibilities of the Office of Languages Commissioner. The private businesses would have to deal with their own increased financing. At that time, we could be focusing on what we can do to overcome these obstacles. Thank you.

Chairman (interpretation): Thank you, Minister. Mr. Arvaluk, would like to make a supplementary question? Mr. Arvaluk.

Mr. Arvaluk (interpretation): Thank you, Mr. Chairman. When Mr. Barnabas was making his statement, I don't think you had answered his question. I think what he was asking is: do you agree with IBC's recommendation in Bill 7 that they be able to make training programs through TV? Do you agree and if you do not agree with them, why not? I think that was his question and there was no response on that. Thank you, Mr. Chairman.

Chairman (interpretation): Thank you, Mr. Arvaluk. Minister Tapardjuk.

Hon. Louis Tapardjuk (interpretation): I do not agree. There are two; Bill 6 identifies what kind of languages are official languages of Nunavut; English, French, and Inuktitut. So those are three

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Bill 7, *Inuit Language Protection Act*, this Act will pertain to Nunavummiut only. Bill 6 and Bill 7 will be the foundation of the other legislation, such as the *Education Act*. If they're going to be reviewing the *Education Act*, they would refer to other Act, and that will identify which Inuktitut curriculum should be taught.

For that reason, I believe to acknowledge Bill 6, *Official Languages Act*, and Bill 7, *Inuit Language Protection Act*. If we're going to be putting different provisions, we will lose the goal of this bill and it will not be as good.

Chairman (interpretation): Thank you, Minister Tapardjuk. Mr. Arvaluk, do you have any additional questions?

Mr. Arvaluk (interpretation): Thank you, Mr. Chairman. I understand now, and I think I heard that, "Let's deal with something else outside of Bills 6 and 7," seemed to be the response.

In regard to Mr. Barnabas' question, we are aware that if the government does not initiate it that they do not want to be responsible, such as IBC producing Inuktitut programming for training purposes, such as the *Takuginai* program and other television programs such as *Kipinnguijautiit*, they promote and preserve the Inuktitut language but as long as the government has no jurisdiction over it, they don't want to be involved. They provide funding to them within that \$1.1 million to be used at their discretion.

Why does the government not want to be involved with entities that try to preserve and enhance the Inuktitut language, such as ΔΔ⁶CD7Lσ⁶L Δα⁶+ΓΡ⁶Dδ⁶D7⁶P⁶
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IBC and also Inummariit Elders' Society in Igloolik, and be involved with them and provide funding? They should also meet with them and see what their plans are for the future and what they would like to do for this upcoming year.

So therefore, I would like to ask a question on Bill 7, the *Inuit Language Protection Act*. Is there a provision in there that requires the government to be involved even though the government has no responsibility or jurisdiction over this entity? Is there a provision or an opportunity in there, or the government doesn't want to touch that at all? Thank you.

Chairman (interpretation): Thank you, Mr. Arvaluk. Minister Tapardjuk.

Hon. Louis Tapardjuk (interpretation): Thank you. We will have to plan for the language promotion and identify it. Once there is a plan established for Inuktitut language plan, they would start considering the TV broadcasts, or the computer programs, or other programs if it's going to help and assist.

In the Inuktitut language plan, they would make plans to enhance the language. It also identifies in there what kind of plans that we should see or expect in the Inuit language promotion plan so that we can start envisioning the plans. All of those things will have to be identified in that plan, and in that plan, we'll be able to tell what kind of plans they have, or what kind of plans IBC has, or other entities may have, so they would be in the plan. Thank you, Mr. Chairman.

Chairman (interpretation): Thank you, Minister Tapardjuk. Mr. Arvaluk.

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Mr. Arvaluk: Thank you. One last point from Mr. Barnabas' line of questioning. Historically, we already know the government is always reluctant to participate with a private entity, whether it is the Inuit Broadcasting Corporation, cultural societies in Igloolik, and other cultural societies, but only through very minimal funding or contribution under the already established contribution provisions and the monies that they do so.

With the *Inuit Language Protection Act*, Bill 7, would you consider opening up better relationships with existing and operating organizations, such as IBC, to promote the Inuit language, to the protection of the Inuit language education, and help other culturally relevant broadcast programs so that all the Nunavummiut can work together, not in isolation? The government is working in isolation, NTI is working in isolation, and IBC is working in isolation. Is there any provision that will allow all Nunavummiut citizens to work together, like IBC? (interpretation) Thank you.

Chairman (interpretation): Thank you, Mr. Arvaluk. Minister Tapardjuk.

Hon. Louis Tapardjuk (interpretation): Thank you, Mr. Chairman. I agree with you. It identifies in Bill 7, section 24 states that the Minister of Languages will have to identify the policies and the goals, and then in section 24(2), it identifies what kind of plans that the minister should make.

When they are establishing the policy, they have to identify how they will be applying the broadcast of TV or radio, which could help and assist the Minister of Languages have that jurisdiction and responsibility, and that this minister will have to work with the other entities, such as NTI and the

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Francophone Association. It already identifies, Mr. Chairman, in that provision how the government can work with the entities outside of the government. Thank you, Mr. Chairman.

Chairman (interpretation): Thank you, Minister Tapardjuk. Are you finished? I think that's about it for today. We still have a lot of work to do and we still have more questions to the minister. We will adjourn for today and we will start at nine o'clock tomorrow morning. Thank you for coming.

>>Committee adjourned at 16:43

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