



**Government of the Northwest Territories Response to Committee Report
43-19(2): Report on the Review of Bill 63: An Act To Amend the Official Languages Act**

Background

The Standing Committee on Government Operations (SCOGO, or Committee) presented Committee Report 43-19(2): "Report on the Review of Bill 63: *An Act to Amend the Official Languages Act*" (Report) on February 28, 2023.

Bill 63 amended the Act to clarify and strengthen the role of the Languages Commissioner, amalgamate the Languages Boards, and update language in the Act to ensure the Act is protecting the language rights of all communities in the NWT, and emphasize the importance of language protection as a means of implementing the Articles of the *United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP).

Committee's Report contains two (2) recommendations for the Department of Education, Culture and Employment (ECE).

On March 27, 2023 the Report was considered in Committee of the Whole and all recommendations were adopted.

Responses to the recommendations of SCOGO are outlined as follows.

Recommendation 1

Standing Committee recommends that the Government of the Northwest Territories commit to a second phase of legislative changes to protect, promote, and revitalize Official and Indigenous Languages in the 20th Assembly.

This new legislation should be based on past recommendations, suggestions arising during the review of Bill 63, and the advice in Committee's upcoming report on its statutory review of the *Official Languages Act*. The new legislation should also seek to implement Articles 13 and 14 of the *United Nations Declaration on the Rights of Indigenous Peoples*. Indigenous governments should be invited to co-develop the legislation.

GNWT Response

The Department of Education, Culture and Employment (ECE) agrees that further legislative changes would support the strengthening of our Official Languages legislation to protect, promote, and revitalize Official and Indigenous languages.

ECE agrees to discuss with the Legislative Assembly, or a committee of the Legislative Assembly, the possibility to review the legislation based on past recommendations, suggestions arising during the review of Bill 63, and the recommendations made by the Standing Committee on Government Operations in its statutory review of the *Official Languages Act*. The Department notes that the next statutory review of the Act is required to take place within the first two years of the commencement of the 21st Legislative Assembly, in 2027-2029.

The GNWT is committed to harmonizing any new legislation with the *United Nations Declaration on the Rights of Indigenous Peoples*, including Articles 13 and 14, and will factor those in when proposing future updates to the *Official Languages Act*. It is important to note that the implementation of Article 14, which largely concerns education, may be more appropriately addressed through conversations around *Education Act* modernization, as well as Indigenous self-government implementation, which may include the exercise of jurisdiction for Junior Kindergarten to Grade 12 (JK-12) education. ECE has committed to working collaboratively with Indigenous governments on modernization of the *Education Act* and is committed to supporting the exercise of jurisdiction for JK-12 education through the implementation of modern treaties and self-government agreements.

Recommendation 2

Standing Committee recommends that the Department of Education, Culture and Employment ensure independence and transparency at the merged Languages Board.

The Department should provide a proper framework and resources for the Board to fulfill its mandate, including timely appointments when vacancies arise.

The Board should disclose meeting agendas, minutes, and other documents of public interest. The Board should also release an annual report that summarizes recommendations to the Minister, the Minister's response, progress on implementation, and the findings of program and initiative evaluations.

GNWT Response

Language Board members were provided with Board Governance training on March 7-8, 2023 to improve board function.

ECE is working to update the Board regulations to increase the terms of the board members to up to four years, with staggered terms to avoid multiple vacancies. ECE is also considering creating regulations regarding Board structure, operations and function, as per section 34.(g) of the *Official Languages Act*, which would provide clarity on disclosing agendas, minutes and other documents of public interest.

A report on the activities of the Board is prepared annually by the Minister, as per Section 27(1)(c) of the *Official Languages Act*. ECE considers this the appropriate avenue to summarize the Board's recommendations to the Minister, the Minister's response, progress on implementation, and the findings of program and initiative evaluations.