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DRAFT #10
2009 11 09

SECOND SESSION
THIRD LEGISLATIVE ASSEMBLY
OF NUNAVUT

XXX SESSION
DEUXIÈME ASSEMBLÉE LÉGISLATIVE
DU NUNAVUT

GOVERNMENT BILL

PROJET DE LOI DU GOUVERNEMENT

BILL XXX

PROJET DE LOI N^o XXX

LANGUAGE STATUTES AMENDMENT
ACT

LOI XXX

Summary

Résumé

This Bill amends the *Inuit Language Protection Act* to remove provisions made unnecessary as the result of the concurrence of Parliament that became effective on June 11, 2009.

Le présent projet de loi ...

This Bill also corrects inconsistencies and errors in the *Inuit Language Protection Act* and the new *Official Languages*.

Date of Notice Date de l'avis	1st Reading 1 ^{re} lecture	2nd Reading 2 ^e lecture	Reported from Standing Committee Présentation du rapport du comité permanent	Reported from Committee of the Whole Présentation du rapport du comité plénier	3rd Reading 3 ^e lecture	Date of Assent Date de sanction

Ann Meekitjuk Hanson
Commissioner of Nunavut
Commissaire du Nunavut

BILL XXX

LANGUAGE STATUTES AMENDMENT ACT

The Commissioner of Nunavut, by and with the advice and consent of the Legislative Assembly, enacts as follows:

PART I

Inuit Language Protection Act

1. **The *Inuit Language Protection Act* is amended as set out in this Part.**
2. **(1) The definition "Languages Commissioner" in subsection 1(1) is amended by striking out "subsection 18(1)" and substituting "subsection 16(1)".**

(2) The definition "parent" in subsection 1(1) is repealed.

(3) The following definition is added to subsection 1(1) in alphabetical order:

"special Languages Commissioner" means a special Languages Commissioner appointed under subsection 19(1) of the *Official Languages Act*; (*commissaire aux langues spécial*)

3. **Section 8 is amended by**
 - (a) **striking out "an individual education plan has been proposed or implemented" in subsection (1) and substituting "an individual student support plan exists or is being developed";**
 - (b) **striking out "an individual education plan, consistent with the individual education objectives determined under the *Education Act*" in paragraph (2)(b)(ii) and substituting "an individual student support plan consistent with the adjustments and supports provided for by the plan"; and**
 - (c) **repealing subparagraph (2)(d)(i) and substituting the following:**
 - (i) curriculum, classroom materials and programs in the Inuit Language required to implement this section.
4. **(1) The English version of section 9 is amended by striking out "pre-school" and substituting "preschool".**

(2) Paragraph 9(c) is repealed and the following substituted:

- (c) develop and implement the licensing standards, training, certification and professional development for child day care operators and staff under the *Child Day Care Act*, or other early

childhood education providers, that are required to implement this section.

5. The English version of paragraph 16(2)(e) is amended by striking out "administer in accordance with applicable law, an award program, to recognize" and substituting "administer, in accordance with applicable law, an award program to recognize".

6. The English version of paragraph 17(2)(a) is amended by striking out "Inuit Uqasinginnik" wherever it appears and substituting "Inuit Uqausinginnik".

7. The English version of paragraph 20(2)(d) is amended by striking out "Inuit Uqausingiiniik" and substituting "Inuit Uqausinginnik".

8. The English version of paragraph 24(2)(f) is amended by striking out the comma after "distribution or access".

9. Sections 25 and 25.1 are repealed and the following substituted:

Implementation plan and powers

25. (1) The Minister shall include in the implementation plan referred to in subsection 13(3) of the *Official Languages Act* a separate comprehensive plan to ensure the coordinated implementation of this Act and, to this end, the Minister may exercise the powers and shall perform the duties, including consultation, that are assigned to the Minister under subsections 13(3) to (6) of the *Official Languages Act*.

Strategy for revitalization and promotion

(2) As it relates to this Act, the implementation plan must include a strategy designed to

- (a) identify and coordinate activities and measures to be taken for the purpose of Inuit Language revitalization and promotion, particularly targeting communities and age groups for which there are special concerns about language loss or assimilation; and
- (b) clarify the roles and responsibilities to be discharged to implement the strategy, including those of government, and any private sector bodies, communities and members of the public.

Minister may direct

(3) The Minister may direct that a department of the Government of Nunavut or a public agency shall do all or any of the following:

- (a) provide information, submissions or program-specific expertise to the Inuit Uqausinginnik Taiguusiliuqtiit that the Inuit Uqausinginnik Taiguusiliuqtiit has requested or recommended or that the Minister considers to be appropriate to the exercise of the powers and the performance of the duties of the Inuit Uqausinginnik Taiguusiliuqtiit;

- (b) collaborate with the Inuit Uqausinginnik Taiguusiliuqtiit for the development of Inuit Language proficiency evaluations tailored for
 - (i) all or any part of the public service,
 - (ii) any category of child day care operators and staff under the *Child Day Care Act* or other early childhood education providers, or
 - (iii) any category of teachers or students under the *Education Act*, *Public Colleges Act* or other legislation applicable to teachers or students in Nunavut;
- (c) use or require participation in a competency assessment, test or survey developed, recommended or administered by the Inuit Uqausinginnik Taiguusiliuqtiit.

Correct error in the French para a) "à un programme que l'Inuit Uqausinginnik Taiguusiliuqtiit a demandés"
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10. Section 27 is repealed and the following substituted:

Minister's annual report

27. The Minister shall include in a report prepared and submitted under section 15 of the *Official Languages Act* a separate description of

- (a) all the activities, results achieved and use of government resources during the preceding fiscal year in relation to the discharge of language obligations under this Act;
- (b) the establishment, operation or performance of policies, programs and services in this regard;
- (c) the number and nature of the reports and recommendations provided by the Inuit Uqausinginnik Taiguusiliuqtiit pursuant to subsection 17(1), the government response in each case and, if a report or recommendation has not been accepted or implemented, an explanation for the government response; and
- (d) the other information relating to this Act and the regulations that the Minister considers appropriate.

11. Sections 28.1 to 28.4 are repealed.

12. The English version of paragraph 37(2)(a) is amended by striking out "Language Commissioner's" and substituting "Languages Commissioner's".

13. The English version of paragraph 39(1)(a) is amended by striking out "Language Commissioner" and substituting "Languages Commissioner".

14. Section 43 is repealed and the following substituted:

Review in conjunction with *Official Languages Act*

43. (1) Except as directed by motion of the Legislative Assembly, section 37 of the *Official Languages Act* governs the review of this Act.

Inuit Uqausinginnik Taiguusiliuqtiit

(2) A review under subsection (1) shall include a review of the status of the Inuit Uqausinginnik Taiguusiliuqtiit, and whether or not administrative independence is necessary for its work.

15. Paragraphs 44(1)(g.1) and (g.2) are repealed and the following substituted:

(g.1) respecting the establishment and maintenance of a register of persons or organizations under section 44.2;

16. Section 44.1 is amended by

- (a) **adding** "for the Legislative Assembly" **after** "may make regulations" **in subsection (1);**
- (b) **striking out** "considers necessary" **and substituting** "considers necessary to ensure that the Legislative Assembly is in compliance with this Act" **in subsection (1);**
- (c) **striking out** "rules" **and substituting** "rules of court" **in subsection (2); and**
- (d) **adding** "that are considered to be necessary to ensure compliance with this Act," **after** "in force," **in subsection (2).**

PART II

Official Languages Act

17. The *Official Languages Act*, S.Nu. 2008,c.10, is amended as set out in this Part.

18. The English version of subparagraph 13(3)(b)(v) is amended by striking out "long term goals" and substituting "long-term goals".

19. The English version of subsection 13.1 (11) is amended by adding "the" after "fiscal year of the fund is".

20. Section 15(2) is repealed.

21. The French version of subsection 23(2)(b) is amended by striking out "audio-visuelle" and substituting "audiovisuelle".

22. Subsection 36 (3) is amended by striking out "adjudicative" and substituting "legal".

23. Section 37(1) is repealed and the following substituted:

Review after five years

37. (1) After every five years of operation, commencing with a first review in the year following September 18, 2014, or such earlier time after this Act comes into force as the Legislative Assembly may direct, the Legislative Assembly or a committee of the Legislative Assembly shall review the provisions and operation of this Act, and such other legislation, policies, guidelines, plans or directives as the Legislative Assembly or committee of the Legislative Assembly may direct.

24. (1) Paragraph 38(1)(f) is amended by striking out "or (4)".

(2) Paragraph 38(1)(i) is amended by striking out "in subsections 13(3) and (4)" and substituting "in subsection 13(3) or the implementation plans and information referred to in subsection 13(4)".

(3) Paragraph 38(1)(i.1) is repealed and the following substituted:

- (i.1) governing disbursements from the Official Languages Promotion Fund, including establishing advisory committees and providing for their advisory and governance functions;
- (i.2) prescribing information and records for the purposes of subsection 13.1(2);

PART III

TRANSITIONAL

Definition

25. In this Part, "Official Languages Act" means the *Official Languages Act*, S.Nu. 2008,c.10, as amended by Part II. (*Loi sur les langues officielles*)

Requirement to publish draft regulation

26. (1) A draft regulation published in compliance with section 44 of the *Inuit Language Protection Act*, which would otherwise be subject to additional notice and publication requirements under section 38 of the *Official Languages Act*, is deemed to have been published in compliance with section 38 the *Official Languages Act*.

Regulation made under the *Inuit Language Protection Act*

(2) A regulation made in compliance with section 44 of the *Inuit Language Protection Act*, which would otherwise require reenactment under section 38 of the *Official Languages Act*, is deemed to have been made under section 38 of the *Official Languages Act*.

Official Languages Promotion Fund

27. The Official Languages Promotion Fund established by section 25.1 of the *Inuit Language Protection Act* is continued under section 13.1 of the *Official Languages Act*.

Special Languages Commissioner

28. A special Languages Commissioner appointed under section 28.1 of the *Inuit Language Protection Act*, shall continue to hold that office as if the appointment had been made under section 19 of the *Official Languages Act* but with an initial term of office expiring on the day that his or her prior appointment as a special Languages Commissioner would have expired.

COMMENCEMENT

Coming into force

29. This Act comes into force on the day on which the *Official Languages Act* comes into force.

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