

Daily sitting 53

Friday, June 14, 2013

9 o'clock a.m.

Prayers.

The Honourable the Premier delivered to Mr. Speaker a Message from His Honour the Lieutenant-Governor, and the said Message was read by Mr. Speaker, all the Members standing, and is as follows:

Fredericton, New Brunswick.
May 29, 2013.

Mr. Speaker and Members of the Legislative Assembly:

I thank you for your Address and beg to assure you that I entertain the fullest confidence that in all your deliberations you will be guided by a most earnest desire to promote the happiness and prosperity of the people of this province.

(Sgd. :) Graydon Nicholas.
Lieutenant-Governor.

Hon. Ms. Blais, from the Select Committee on the Revision of the *Official Languages Act*, presented the Final Report of the Committee, which was read and is as follows:

Background

New Brunswick plays a leadership role in Canada as the only officially bilingual province in the country. Language rights in New Brunswick are based on sections 16 to 20 of the *Canadian Charter of Rights and Freedoms*, as well as on the *Official Languages Act* of New Brunswick, which in 2002 replaced the *Official Languages of New Brunswick Act* passed in 1969 and revised in 2002, and *An Act Recognizing the Equality of the Two Official Linguistic Communities in New Brunswick*.

Under the *Official Languages Act*, the Premier must initiate a review of this Act before December 31, 2012, in the form and manner prescribed by regulation. In recognition of the positive influence of official bilingualism on the development of New Brunswick, the Premier proposed the creation of a nonpartisan select committee of the Legislative Assembly to carry out this review. The select committee of the Legislative Assembly received support from an interdepartmental working group to do the necessary research and analysis of proposals received in order to stimulate reflection and help committee members make recommendations.

In preparation for the review of the Act, the government also developed an overall plan to meet its linguistic obligations for Part I of the civil service. This plan sets out strategic actions for the 2011-2013 period to enable departments and agencies to meet their official language obligations and propose positive actions to develop the linguistic communities.

Official languages in New Brunswick

The first *Official Languages Act* was passed in 1969. This Act created official bilingualism in New Brunswick. Basically, since 1973, the Act provides that New Brunswick Acts must be drafted in both official languages.

On July 17, 1981, the Legislative Assembly passed *An Act Recognizing the Equality of the Two Official Linguistic Communities in New Brunswick*. More commonly known as Bill 88, this Act affirms, among other things, the equality of status and equal rights and privileges of the two linguistic communities. It also confers upon the two communities the right to distinct institutions within which cultural, educational, and social activities may be carried on.

In 1982, the *Canadian Charter of Rights and Freedoms* of the Canadian Constitution came into force. Sections 16 to 20 of the charter enshrine official bilingualism in the Constitution, thereby providing a constitutional basis and value for linguistic rights in New Brunswick.

The *Canadian Charter of Rights and Freedoms* was amended in 1993 to include section 16.1, which gives constitutional status to the equality of the Anglophone and Francophone communities in New Brunswick, a status already recognized by Bill 88.

The province's new *Official Languages Act* came into force in August 2002. Its main objective is to ensure the provincial Act, which involves constitutional guarantees, remains current. The Act also sets out a roadmap to guide the delivery of services provided to the public in both official languages.

Mandate of the Select Committee on the Revision of the *Official Languages Act*

On June 8, 2011, the Premier moved a motion, seconded by the Leader of the Official Opposition, creating the Select Committee on the Revision of the *Official Languages Act*. The committee, which is made up of government and official opposition members, is mandated to undertake a review of the *Official Languages Act* and to conduct consultations. The select committee also has a mandate to review legal decisions on linguistic rights issues, recommendations from the Commissioner of Official Languages for New Brunswick, and suggestions and recommendations from New Brunswickers. The committee must present a report with recommendations to the Legislative Assembly.

The members of the committee are: Hon. Marie-Claude Blais, Q.C., Chair; Mr. Hédard Albert, Vice-Chair; Mr. Carl Killen; Ms. Pam Lynch; Mr. Ryan Riordon; Mr. Yvon Bonenfant; Mr. Greg Davis; Mr. Chris Collins; Mr. Roland Haché; and Mr. Claude Landry.

Methodology

Consultation mechanisms

To enable as many people as possible to take part in the review process, the committee issued a public invitation, through the press and the government's Internet site, to respond to four questions and send the committee comments and suggestions by brief, letter, e-mail, or the Legislative Assembly Internet site.

The committee invited certain groups to present briefs and invited interest groups and experts, as well as those who presented briefs, to meet with the committee to dialogue and hold more in-depth discussions. In order to ensure a frank and open discussion with participants, the committee held these meetings in camera.

The committee received submissions from 1 022 individuals, of which 788 were in French and 334 were in English. The committee also received 29 briefs, of which 20 were in French, 7 were in English, and 2 were bilingual. The committee met with 17 interest groups and individuals and held a round table.

Analysis and study of submissions

The committee held 23 meetings to review legal decisions, suggestions from the Commissioner of Official Languages, briefs that had been submitted, and proposals and recommendations from civil society.

The interdepartmental working group, made up of representatives from Intergovernmental Affairs, the Department of Justice and Attorney General, and the Executive Council Office, monitored all the work carried out by the committee and performed the research and analysis needed for assessing the proposals that were received.

What we heard

The comments, suggestions, and recommendations received are presented with the four questions asked by the committee.

Question 1

The Official Languages Act provides for the delivery of services in both official languages by government institutions. It establishes the criteria for areas to which the Act applies, such as policing services, health services, and municipalities.

In your opinion, what services should be specified in the Official Languages Act?

While the majority of respondents proposed that all services be subject to the *Official Languages Act*, some people would like emergency services, like policing, ambulance, and fire services, to be priorities.

With regard to the offer of service in the official language of choice, most respondents stressed that people should always be able to access the same services of equal quality in the language of their choice. However, some people noted that it is important to understand the concept of duality, which must be integrated into the planning process right from the start so that the needs and priorities of each linguistic community can be taken into account. They indicated that this is an administrative issue and pointed out that service must be provided as efficiently in one language as in the other, without necessarily being the same. Some respondents also indicated that active offer means that both linguistic communities are effectively informed of the nature of a service, its availability, and the way it will be provided. Others noted that the notion of services in the language of choice cannot be implemented throughout the province and proposed a regional approach and the creation of linguistic units.

Administration of justice

With regard to the administration of justice, some people maintain that the current section on the publication of decisions in both official languages is too restrictive and would like it to be clarified so that it provides that all decisions are of public interest and must be published simultaneously in both official languages, unless a court rules otherwise. It was also suggested that costs be covered that are incurred by a person who brings suit when this raises an important new principle and that Provincial Court judges have the right to rule on language rights under the *Official Languages Act*. Finally, it was proposed that the Act confirm the current practice of co-drafting Acts and regulations in both official languages.

Language of work

The language of work issue was the subject of many submissions. While some people would like the language of work to be included in the *Official Languages Act*, others instead suggested including provisions in the Act to oblige an institution to put in place measures to help create a work environment conducive to the actual use of both official languages.

Some respondents criticized the current language of work policy and considered it to be an accommodation that does not meet the obligations set out in subsection 16(2) of the *Canadian Charter of Rights and Freedoms*. The policy and the toolbox for its implementation were found inefficient, and the policy was considered virtually impossible to implement. Other respondents noted that it is difficult to assess how effective the policy is, because no assessment or performance report mechanism is provided.

Some respondents maintained that working in one's own language leads to enhanced efficiency and performance. They pointed out that the federal *Official Languages Act* includes provisions that guarantee the right to work in the language of one's choice.

It was noted, however, that it would be a mistake to imitate federal institutions and that a properly structured working team approach may help ensure adequate representation of both linguistic communities and promote the use of the language of choice at work. It was noted, though, that it is necessary to establish departmental guiding principles, strategies, and plans to promote a philosophy of bilingualism. It was also stressed that centralized coordination is necessary to ensure the implementation and assessment of these strategies and action plans.

Other respondents pointed out the high cost of language training, from the point of view of both efficiency and finances. They recommended that bilingualism be considered an essential skill for certain positions.

A number of administrative proposals were made, from the designation of bilingual upper management positions to decentralizing departments in order to bring them closer to the people and thereby promote the recruitment of people with skills and expertise who speak the language of the people they serve.

Other respondents criticized the current policy on language of work, saying that it gives preferential treatment to one community and hinders access to positions in the provincial civil service. They found language assessments too strict and the required competence level too high. These respondents felt that the bilingualism rate of young people registered in immersion is inadequate and shows that the immersion system does not seem to be working. They also referred to the fact that immersion is not available in every part of the province. Finally, some people indicated that most Francophones are bilingual, but that Anglophones are not, which makes it harder for them to access civil service positions.

Policing services

The main proposal dealing with policing services is to replace the words "within a reasonable time" in section 31 of the Act by "immediately", to

ensure that services in the language of choice are provided immediately. While some people referred to this as an issue of administration and workforce organization, others pointed out that replacing “within a reasonable time” by “immediately” would require all police officers to be bilingual so that they could provide immediate service in the person’s language of choice. Finally, some people believed that the word “immediately” may also be subject to interpretation by the courts.

Another proposal that was received by the committee was to add a subsection to the *Official Languages Act* stipulating that it is for the judge to determine whether a time frame is reasonable by assessing the efforts made by the police force to meet its linguistic obligations. They maintained that this approach would require the Crown to provide a complete description of the actions taken to meet linguistic obligations and would help avoid the more subjective interpretations of the words “within a reasonable time”.

Health services

Health services were also the subject of various proposals, including one to review the current provisions of the *Official Languages Act* to take into account changes made to the health system in 2008. Some respondents suggested clarifying in the Act the obligation of health establishments, facilities, and programs under the jurisdiction of the Department of Health or the regional health authorities to provide their services in both official languages. They also proposed including in the *Official Languages Act* the linguistic obligations of the New Brunswick Health Council and FacilicorpNB and designating under the Act the linguistic status of certain institutions.

Some people deplored the lack of representation of Francophones within the Horizon Health Network, while others would like to see the current dual-network system abolished and replaced by a single bilingual administration.

Services to seniors

Respondents noted that being able to use one’s own language and receive services in that language is an essential part of aging with dignity. They recognized that it would be unrealistic to build nursing homes all over the province on a strictly linguistic basis if the numbers are not there to justify it. However, they recommended that nursing homes, special care homes, and agencies providing services to seniors have linguistic obligations. Different ways were suggested to promote service provision and the establishment of mechanisms to promote access to social and cultural activities in the language of choice within establishments that accommodate people from both official linguistic communities. Respondents pointed out that demographic changes and the aging population will require new strategies and new approaches for the provision of services to seniors and that these services go far beyond nursing homes.

Early childhood

Some respondents stressed the importance for a community living in a minority situation of having access from a very early age to education in one's own language. It was recommended that early childhood education services be provided on a duality basis. Others pointed out that day cares are private sector businesses that had no educational mandate until very recently but are now being called upon to play an educational role and be "transmitters of culture", without the vision and mission of the day care system, as well as its role regarding early childhood, having been defined. Respondents also noted that few day cares provide services in both languages.

Some potential solutions were suggested for fostering appreciation, early in children's lives, of the unique advantages of living in an officially bilingual province where languages and cultures live side by side. It was proposed, for instance, that the unique status of New Brunswick be promoted and communicated to young people from kindergarten to Grade 12, that the history of the founding peoples be communicated to young people, that training in early childhood education include the bilingual nature of the province and the reality of the linguistic minority, and that teachers be supported in developing instructional directions that foster harmony between cultures. Finally, respondents noted the need for a strategy on Francophone spaces, especially in minority situations.

Professional associations

The majority of respondents proposed that a provision be added to the *Official Languages Act* to impose linguistic obligations on professional associations that are established under an Act of the Legislative Assembly and have a mandate to regulate a profession. Some respondents noted, however, that the range of services to be provided in both official languages must be established according to criteria such as the number of members in an association or its revenues. It was also emphasized that a transition period might be necessary to meet this new obligation.

Signage

The committee noted that the signage issue was the subject of much discussion and the source of many differing opinions. A number of people emphasized that signage is an important and indispensable part of the survival of a language, and the fact that a language that is never or rarely used in daily life or signage reinforces the impression it is a second-class language, which contributes to assimilation. They also pointed out that, in order to flourish, people have to see their language in everyday use in all sorts of fields of endeavour. It was therefore proposed to add provisions to the *Official Languages Act* that would require the private sector to post signs in both official languages when the number of members of an official linguistic community comprises 20% of the population of the municipality.

However, other respondents thought the opposite, noting the rules of supply and demand, and suggested that a better alternative would be mechanisms and strategies to promote private-sector signage in both official languages.

Yet others noted that it is not up to the government to dictate the language to be used on signage in the private sector; this is, rather, a municipal responsibility, and it is up to municipalities to pass bylaws in this regard. They therefore recommended that the power of municipalities to pass bylaws on bilingual signage within municipal boundaries be confirmed.

With regard to government signage, most respondents were of the opinion that the government must take the community's linguistic reality into account for its policies on signage and suggested that a provision to that effect be added to the Act.

Commerce and business

Most respondents felt that a lot of progress has been made regarding access to documents in the language of choice in the private sector. However, some pointed out that there are still a few gaps and suggested including provisions in the *Official Languages Act* to require private sector organizations to provide documents such as mortgages, deeds, leases, and standard contracts in the official language chosen by the person for whom they are intended. They emphasized that most of these documents are already provided in both official languages and that private businesses can easily access them on the Internet.

Some respondents referred to the unions and stressed that most of the large ones provide services in both official languages.

Services provided by third parties

There is a section in the *Official Languages Act* that requires the province and its institutions to ensure that services offered by third parties on their behalf are delivered in the official language of the person's choice. Some respondents indicated that this section does not clearly define a government service to the public and that it needs to be clarified.

Several people would like this section to be strengthened to require government to ensure that services offered to the public by third parties meet the linguistic obligations of the province. They also suggested that language provisions be added in contracts between the province and a third party.

Question 2

The Official Languages Act does not provide for any mechanism to ensure that the obligations of the government with regard to official languages are carried out.

In your opinion, how can we ensure compliance with the Official Languages Act?

Several respondents noted that government must ensure that the *Official Languages Act* is complied with, as it does for other Acts. They emphasized that compliance with the Act is dependent upon the good will of government departments and institutions and that this provides no guarantee that government's linguistic obligations will be met. Some people also indicated that one of the problems related to ensuring compliance with the Act is that it was passed before a policy on ensuring compliance, with clear objectives and deadlines, was developed.

Several recommendations were brought forward by respondents to help ensure that linguistic obligations are met within government institutions. It was suggested that the obligation of the government and its institutions to develop a strategy and action plans to ensure their obligations are met be included in the *Official Languages Act*. The following suggestions were also made: that a standing committee of the Legislative Assembly on official languages be setup; that the Act include an obligation for the government to establish a mechanism within government for coordinating and assessing results with regard to official languages that would apply to government departments and institutions; that a committee of deputy ministers on official languages be created; and that a provision be added to require departments and institutions to table their action plan and submit annual reports on the progress made with their plan.

Some respondents also recommended that an arm's-length council for linguistic development be created and mandated to receive public comments, do research, and perform analysis in order to advise the Premier.

Finally, several respondents suggested that a review of the *Official Languages Act* every 10 years be made mandatory and that a time frame be established for the review period.

Question 3

The Official Languages Act specifies that the role of the Commissioner of Official Languages is to investigate, report on, and make recommendations with regard to compliance with the Act and to promote the advancement of both official languages.

In your opinion, how does the Commissioner of Official Languages, in performing his duties, contribute to ensuring compliance with the Official Languages Act?

While some respondents questioned the need for a Commissioner of Official Languages, a number of them recognized the work he does and believed that his powers should be expanded and that he should be able to access a broader range of tools to enable him to fully perform his duties and influence the public. Many respondents proposed various measures to broaden the commissioner's mandate, such as adding a provision requiring a written response to the commissioner's recommendations after an enquiry, adding a provision protecting complainants against reprisals, adding a provision empowering the commissioner to proceed with investigations regarding any issues relating to linguistic rights that are not included under the *Official Languages Act*, and adding a provision empowering the commissioner to appear before the courts.

Some respondents are of the opinion that the provincial commissioner should have the same powers as the federal Commissioner of Official Languages, while others feel that he should have the same powers as the New Brunswick Ombudsman.

Some people would like the commissioner to do more to promote his role and the fact that he represents both official linguistic communities. Others believe he should do more promotion of official bilingualism in the schools and to the general public.

Question 4

The status of New Brunswick as an officially bilingual province is enshrined in the Canadian Constitution.

In your opinion, how can New Brunswickers be better informed about this?

For a number of respondents, the key to success is to expose young people to the other culture and to encourage exchanges in order to foster better understanding, greater open-mindedness, and greater respect for others. They stressed that schools and education programs put very little emphasis on the province's bilingual nature, its distinctiveness, and what differentiates us from other provinces. They therefore recommended to government that components on the bilingual status of the province and its enshrinement in the Canadian Constitution be added to both Anglophone and Francophone school curricula, as well as components highlighting New Brunswick's distinctiveness.

Some respondents felt that current debates are regrettable and demonstrate the need for better promotion of the advantages of bilingualism. They believed that efforts should be made to raise awareness in the schools and gave as an example the recycling concept, which started in the schools and enabled the population as a whole to be made aware of its importance.

Other respondents noted that second-language learning is of primary importance and that the government should encourage and promote it from a very young age. They indicated that it is also necessary to establish mechanisms to make it easier for all residents to access second-language training. However, some people stressed that the ability to speak a language does not mean one is familiar with a culture. They also emphasized the importance of setting up initiatives to help foster a greater knowledge and greater appreciation of the other culture.

Some respondents mentioned that cultural sharing is a source of pride to which bilingualism is a response. They feel it is essential for the government to work with various organizations, such as Dialogue New Brunswick, Canadian Parents for French, and the Office of the Commissioner of Official Languages, to help change negative perceptions and foster a greater knowledge of our shared history and of the road we have travelled together. They also noted that it is important for the government to promote greater awareness of the benefits of bilingualism at the social, economic, tourism, and cultural levels.

Other

Combining the Official Languages Act and An Act Recognizing the Equality of the Two Official Linguistic Communities in New Brunswick

Language rights in New Brunswick are supported by three different statutes: the *Official Languages Act*, *An Act Recognizing the Equality of the Two Official Linguistic Communities in New Brunswick* (Bill 88), and the *Canadian Charter of Rights and Freedoms*. The *Official Languages Act* dictates the practical implementation of the obligations of the New Brunswick government defined in the *Canadian Charter of Rights and Freedoms*.

Several respondents indicated that *An Act Recognizing the Equality of the Two Official Linguistic Communities in New Brunswick* is poorly understood and that people are quite confused. The respondents feel it is necessary to combine the two Acts and change the title of the *Official Languages Act* in order to better reflect New Brunswick reality and enable all residents to recognize our social contract. They emphasized that combining the two Acts would allow for greater recognition of the substantive equality of the linguistic communities and would also enable conflicting interpretations to be avoided.

These respondents also noted that the *Official Languages Act* deals with individual rights, while *An Act Recognizing the Equality of the Two Official Linguistic Communities in New Brunswick* deals with collective rights, and that combining the two Acts would enable individual and collective rights to be dealt with under the same Act.

However, some respondents pointed out that *An Act Recognizing the Equality of the Two Official Linguistic Communities in New Brunswick* and the *Official Languages Act* exist for different reasons but must be interpreted together when government obligations are being assessed. These respondents noted that *An Act Recognizing the Equality of the Two Official Linguistic Communities in New Brunswick* is enshrined in the Canadian Constitution and obliges the government to ensure the protection of the equality of status and the equal rights and privileges of the official linguistic communities.

Finally, other respondents stressed that combining the two Acts would not strengthen language rights and that, while these Acts are complementary, they both exist for different reasons. They indicated that introducing government programs based on the two linguistic communities to be served may help ensure recognition of the minority community.

Adding a purpose clause

Several respondents explained that a purpose clause helps define the legislative intent and defines the objectives and general principles set out in an Act. They pointed out that such a clause may be helpful in interpreting the Act and that the federal *Official Languages Act* includes a purpose clause.

Respondents suggested certain principles to be observed when drafting a purpose clause, including the following: ensuring respect for English and French as the official languages of New Brunswick; ensuring equality of status and equal rights and privileges; supporting the sustainable development and vitality of both official linguistic communities; advancing the substantive equality of both official linguistic communities; and specifying the powers, duties, and functions of government institutions.

A new social contract

Some respondents suggested repealing the *Official Languages Act*, while others suggested holding a referendum on any changes to be made to it and developing a social contract that should, in their opinion, be less costly and more inclusive.

First Nations

Respondents drew attention to the role of First Nations in the development of present-day New Brunswick and pointed out that, without them, French would probably no longer be spoken in New Brunswick. They emphasized the importance of aboriginal languages in safeguarding First Nations culture and hoped that renewed efforts would be made to help revitalize the Maliseet and Micmac languages.

Recommended amendments to the *Official Languages Act*

Canada is among the great democratic societies that have established protections for minorities, including linguistic protections. In New Brunswick, official bilingualism is a social contract that underpins the cohabitation of the two linguistic communities. The work of the committee was guided by compliance with the constitutional obligations of New Brunswick with regard to official languages and the advancement of substantive equality for both official linguistic communities in the province.

The committee took into consideration the asymmetry principle, which is defined as access to services that are tailored to the specific needs of each linguistic community.

The committee emphasizes that, in an ideal world, equal service means service that is available and provided in the same way throughout the province. However, the committee acknowledges that we do not live in an ideal world and that it is necessary to reflect what is realistic and feasible while continuing to move toward substantive equality.

Policing services

With regard to policing services, the committee feels that it is unrealistic to replace the words “within a reasonable time” by “immediately”, since this might require all police officers to be bilingual in order to meet the obligations under the Act. Although a completely bilingual police force is a worthy objective, it would be very hard to implement and practically impossible to meet. Also, the committee stresses that the expression “reasonable time” has already been defined on the basis of the circumstances of a specific situation. However, the committee believes that the expression “reasonable time” can be further clarified in order to make it easier to interpret.

The committee recommends

- that a subsection be added to define “reasonable time” with reference to the efforts made by the police force to meet its linguistic obligations.

The committee is of the opinion that such a clause would require the Crown to give in evidence a comprehensive description of the measures taken by the police force to meet its obligations.

Combining *An Act Recognizing the Equality of the Two Official Linguistic Communities in New Brunswick* and the *Official Languages Act*

The committee stresses the importance of recognizing the rights of the linguistic communities in New Brunswick. However, the committee believes that, although the two Acts are complementary and are interpreted in reference to each other,

they exist for different reasons. The committee is of the opinion that the *Official Languages Act* dictates the practical implementation of the government's obligations as defined in the *Canadian Charter of Rights and Freedoms*, referred to at the beginning of the current Act, go further than the obligation to provide services in the official language of choice and must be considered when assessing the obligations of the province.

For these reasons, the committee recommends

- that the two Acts be maintained in their current form.

Adding a purpose clause

In the light of the various submissions received, the committee is of the opinion that a provision could be added to the *Official Languages Act* in order to better define the principles and objectives of the Act, which would help make it easier to interpret.

The committee recommends

- that a purpose clause be added, specifying the legislative intentions and stating the principles of the Act.

The committee proposes that the following principles guide the drafting of the clause:

- ensuring respect for English and French as the official languages of New Brunswick;
- ensuring their equality of status and equal rights and privileges as to the use of both official languages in all provincial institutions;
- guaranteeing the public's right to use either of these two languages to communicate with or receive services from government institutions;
- supporting the sustainable development and vitality of both linguistic communities;
- advancing the substantive equality of both linguistic communities;
- setting out the powers, duties, and functions of government institutions with respect to the official languages.

Municipalities and private-sector signage

There is considerable public discussion about private-sector signage as well as the issue of a municipality's power to make signage bylaws. Although a Supreme

Court of Canada decision empowers Ontario municipalities to make such bylaws, some people believe this power is not clearly defined in New Brunswick legislation. The committee feels that it is necessary to clarify that municipalities are entitled to adopt bylaws regarding signage on their territory.

Therefore, the committee recommends

- that the *Official Languages Act* be amended by adding a provision that clearly empowers municipalities to make bylaws regarding signage on their territory and
- that the necessary amendments be made to the related regulations.

Public signage

Government signage for the general public must be in both official languages. This signage generally complies with the *Official Languages Act*. Also, the government action plan for meeting its linguistic obligations provides for the development of a comprehensive government signage policy. However, the committee noted that different government departments have different signage policies and that these policies and practices do not reflect the linguistic reality of the various regions. The committee stressed the need for a comprehensive policy that fully respects the principle of equality of the two official languages and that reflects the reality of the official linguistic communities in the regions.

The committee recommends

- that provisions regarding government signage be included in the *Official Languages Act* to oblige the government and its institutions to take into account the official linguistic communities and the linguistic reality of a region in the government's public signage policy.

Professional associations

The committee recognizes that several professional associations are able to offer services in both official languages. However, the committee feels that private associations that were created by an Act of the Legislative Assembly and were mandated by government to regulate a profession act almost like administrative tribunals. The committee is of the opinion that these associations should be subject to the *Official Languages Act*.

The committee recommends

- that professional associations created by an Act of the Legislative Assembly and mandated to regulate a profession be brought under the *Official Languages Act* and

- that the range of services to be provided in both official languages be determined by regulation on the basis of the association's nature or activities.

The committee realizes that this recommendation may present challenges to certain associations and that consultations on the implementation process and a two year transition period are needed. The committee also proposes certain criteria to be considered in determining which associations will be brought under the Act.

The committee recommends that associations that meet the following criteria be brought under the *Official Languages Act*:

- the association was created by an Act of the Legislative Assembly;
- the association regulates and monitors professional activities;
- the association has the power to withdraw a professional licensure or licence;
- the members must pay membership fees.

Third parties

The committee's discussions and exchanges with various people led to the conclusion that the current section of the Act regarding services offered to the public by third parties on behalf of the province or its institutions may be confusing and is variously interpreted from one government department to the next.

The committee recommends

- that the *Official Languages Act* be amended in order to clarify section 30 by more clearly defining a government service offered to the public by a third party.

Health services

The committee recognizes that everyone is entitled to receive services in the language of his or her choice at all hospitals in the province. However, the committee notes that the *Official Languages Act* has not been amended to reflect the changes made to the *Regional Health Authorities Act* following the health system reform.

The committee recommends

- that the *Official Languages Act* be amended to bring it in line with the *Regional Health Authorities Act*.

Administration of justice

In New Brunswick, the English and French versions of legislation are equally authoritative, and the Acts and regulations are drafted jointly in both English and French. However, this practice is not enshrined in the *Official Languages Act* and deserves to be. The following recommendation is made to ensure that Charter provisions regarding the equal authority of both versions of Acts are observed.

The committee recommends

- that the practice of co-drafting the Acts and regulations in English and in French be confirmed in the *Official Languages Act*.

Commissioner of Official Languages

The New Brunswick Commissioner of Official Languages makes a significant contribution to the protection of language rights and the promotion of official languages in the province. In fact, the committee wishes to thank the commissioner for his contribution to New Brunswick society and to the advancement of both official languages in the province.

However, it became apparent during the consultation process that the role of the Commissioner of Official Languages is not well known or is poorly perceived by some people. Therefore, the committee would like the commissioner to make greater efforts to improve public awareness of his role.

The committee is of the opinion that the responsibilities of the commissioner of official languages should be consistent with the responsibilities of other independent Legislative Assembly officers.

The committee recommends that the *Official Languages Act* be amended to:

- enable the commissioner, after informing the interested party of his intention to do so, to release any results of an inquiry that are deemed to be of public interest and that require immediate government action;
- enable the commissioner to informally resolve minor complaints;
- require a government department or institution that has been the focus of an investigation to provide a formal written response;
- protect the commissioner and his staff against lawsuits arising from the performance of their duties, unless it can be demonstrated that they acted in bad faith; and
- protect a complainant who has acted in good faith against any reprisal.

Ensuring compliance with the *Official Languages Act*

The government has adopted an initial comprehensive plan entitled *Official Bilingualism – A Strength for 2011-2013*. This plan is aimed at collaborative and coordinated action by government departments and agencies in meeting their linguistic obligations.

Unlike the federal *Official Languages Act*, the New Brunswick *Official Languages Act* does not provide for any measures to meet the linguistic obligations of government departments and institutions. The committee notes that many of the difficulties that have arisen seem to be related to ensuring compliance with the Act.

The committee believes that it is important to confirm in the Act the government's obligation to provide itself with a comprehensive plan for ensuring compliance with the *Official Languages Act*. This plan should present a variety of ways to meet challenges and contain innovative actions to promote the creation of a bilingual culture within the civil service and to advance the substantive equality of both official linguistic communities. This comprehensive plan should also identify mechanisms to put in place so that government can reflect the specific reality of each linguistic community when developing its programs and policies.

The committee recommends

- that provisions be added in the *Official Languages Act* that require government to develop and implement a comprehensive plan, with clear objectives and time frames, for meeting its linguistic obligations.

The committee also recommends that the planning include:

- developing departmental and institutional action plans to meet the objectives of the comprehensive plan;
- including the language of work when identifying working teams and developing linguistic profiles;
- assessment measures;
- measures to improve the bilingual capacity of the senior civil service; and
- mechanisms to advance the substantive equality of both linguistic communities in the province.

The committee is of the opinion that follow-up and coordination of government efforts are crucial to ensure the successful implementation of the comprehensive plan and the departmental action plans.

Therefore, the committee recommends the addition of provisions in the Act to:

- create centralized coordination for implementing the comprehensive plan and departmental action plans;
- require government departments and institutions to prepare annual reports on the implementation of their action plans; and
- require the preparation of an annual progress report on the comprehensive plan, to be submitted to the Premier and the Legislative Assembly.

The committee recognizes that the government has an obligation to constantly advance the substantive equality of the official linguistic communities in the province and recommends

- that the next review of the Official Languages Act be completed in eight years.

Other recommendations

Promotion

The committee notes the comments and proposals received regarding the promotion of bilingualism in New Brunswick. It stresses that there must be greater public awareness of the province's bilingual status and greater knowledge about the resulting social, economic, and cultural benefits in order to continue enhancing collaboration between the linguistic communities, openness toward others, and respect for differences. The committee acknowledges the work done by various organizations to this end and notes that greater collaboration between the government and these organizations would be conducive to cultural sharing and pride in living in a bilingual province.

The committee recommends that the government

- develop strategies to promote both official linguistic communities and strengthen ties between them in partnership with various organizations, such as Dialogue New Brunswick, Canadian Parents for French, and the Commissioner of Official Languages, and
- add to school curricula components on the historical evolution of official bilingualism in New Brunswick and its social, economic, and cultural benefits.

Early childhood

The committee recognizes the government's efforts to put in place structures that will enable it to move toward duality in early childhood education services. The committee also recognizes the importance for the minority community of having access to education services in its own language from early childhood onward in order to prevent the negative effects of assimilation.

The committee recommends

- that early childhood education services be brought under the *Education Act*.

However, the committee recognizes that a reasonable transition period is necessary before this provision comes into force.

Services to seniors

The committee noted that senior citizens have a right to receive services in the language of their choice and that it is important that the departments responsible for developing and implementing these services be reminded of this right. The committee stressed that the issue of services to seniors is constantly evolving and is much broader than the nursing home issue. The committee is of the opinion that any new strategy must consider all services on the basis of current and future needs.

The committee recommends that the government:

- identify the needs of seniors for the next few years, taking into consideration the specific needs of the linguistic communities;
- review the relevant Acts and regulations to take into account the needs identified;
- develop the necessary policies and strategies to meet these needs; and
- establish an action plan that will enable seniors to get the services they need in the official language of their choice.

Language training

The committee stresses that it is important and vital for New Brunswick, as the only officially bilingual province, to foster secondlanguage learning, to be innovative, and to play a leadership role in this area. The committee also points out that, although it is of primary importance to learn the second language from a very early age, it is equally important to foster second-language learning by adults.

The committee believes that efforts should be made to create an environment that promotes second-language learning and provides opportunities to celebrate bilingualism in New Brunswick.

The committee recommends that the government:

- foster second-language learning by all students in the education system from a very early age;

- highlight the advantages of speaking a second language; and
- promote second-language training programs that are available and easily accessible to adults.

The committee also stresses the importance of a bilingual civil service that is better equipped to provide residents with services in the language of their choice. The committee also feels that a bilingual civil service is better equipped to ensure the development of government policies and programs that reflect the distinctive characteristics of each linguistic community.

The committee recognizes that not everyone needs to be bilingual but that a language training program for civil servants is necessary to enable the government to meet its linguistic obligations.

The committee recommends that the government ensure that the review of its language training program for the provincial civil service

- draws inspiration from both proven and new teaching approaches to learning a second language in order to improve long-term results and
- maximizes the use of online technologies and learning opportunities to make the program more efficient and accessible.

First Nations

The committee emphasizes the First Nations' role in the economic, social, and cultural development of present-day New Brunswick and wishes to highlight the importance of safeguarding Aboriginal languages and culture in New Brunswick.

The committee recommends that the government consider possibilities for promoting the First Nations' contribution to the New Brunswick mosaic.

Immigration

New Brunswick is making considerable efforts to attract new citizens and immigrants. The committee is aware of the importance of maintaining linguistic balance for the development of the official linguistic communities and feels that measures should be identified in the government's immigration and recruitment strategies to ensure that linguistic balance is maintained.

The committee recommends that the government

- set targets in its immigration strategy in order to ensure the necessary recruitment to maintain linguistic balance and

- develop tools and implement mechanisms and procedures that promote the integration of newcomers within the Acadian and Francophone community.

Ordered that the Report be received.

Hon. Ms. Shephard laid upon the table of the House a document entitled: *Overcoming Poverty Together, Progress Report, April 1st, 2011 to March 31st, 2013, The New Brunswick Economic and Social Inclusion Plan.*

The following Bill was introduced and read a first time:

By Hon. Mr. Alward,
Bill 72, *An Act Respecting Official Languages.*

Mr. Jack Carr gave Notice of Motion 69 that on Thursday, June 20, 2013, he would move the following resolution, seconded by Mr. Arseneault:

WHEREAS Lyme Disease is 100% preventable; and

WHEREAS hundreds of Canadians live with Lyme Disease, an infectious disease caused predominantly by the bite of an infected tick; and

WHEREAS Lyme Disease can be a debilitating condition, causing extreme fatigue, cardiac and nervous system disorders and arthritic symptoms, which can affect one's quality of life and ability to work; and

WHEREAS awareness and diagnosis of Lyme Disease is improving;

WHEREAS New Brunswickers with Lyme Disease frequently suffer for many months, or even years, before diagnosis and treatment;

WHEREAS New Brunswickers would benefit by being better informed about Lyme Diseases' symptoms and treatment;

BE IT RESOLVED THAT this Legislative Assembly recognize the spread of Lyme Disease as a pressing public health issue; and

BE IT FURTHER RESOLVED THAT this Legislative Assembly request the Department of Health to work collaboratively to find solutions to this public health problem, including but not limited to

working with health professionals, patients, researchers and public health employees to update public health information on prevention and detection of Lyme Disease, recruitment of health professionals with the skill set needed to improve treatment of Lyme Disease, and improved professional development for health professionals in the awareness, prevention, treatment and diagnosis of Lyme Disease.

Hon. Mr. P. Robichaud, Government House Leader, announced that following third reading, it was the intention of government, with leave of the House, to take into consideration Motion 69; following which Bill 71 would be called for second reading; following which the House would resolve itself into a Committee of the Whole to consider Bills 40, 47, 48, 66 and 45.

The following Bills were read a third time:

Bill 46, *An Act to Amend the Employment Standards Act.*

Bill 53, *An Act to Amend the Municipalities Act.*

Bill 63, *Financial and Consumer Services Commission Act.*

Bill 64, *An Act Respecting the Financial and Consumer Services Commission.*

Ordered that the said Bills do pass.

Mr. Speaker, at the request of Hon. Mr. P. Robichaud, reverted to Government Motions for the Ordering of the Business of the House.

With leave of the House, the Honourable the Premier moved, seconded by Hon. Mr. P. Robichaud: (Motion 70)

WHEREAS the Legislative Assembly of New Brunswick enacted the *Ombudsman Act* to provide for independent and confidential investigations into complaints of an administrative nature with respect to provincial government institutions;

WHEREAS subsection 2(1) of that Act provides that an Ombudsman be appointed by the Lieutenant-Governor in Council on recommendation of the Legislative Assembly;

WHEREAS the term of office of Bernard Richard has expired;

WHEREAS a selection committee was established under subsections 2(2) and 2(3) of the Act for the purpose of identifying persons as potential candidates to be appointed Ombudsman;

WHEREAS the selection committee developed a roster of qualified candidates and submitted the list of names of qualified candidates to the Lieutenant-Governor in Council under subsection 2(4) of the Act;

WHEREAS the selection committee has determined that Charles Murray possesses the proper qualifications and experience to successfully discharge the duties of Ombudsman;

BE IT THEREFORE RESOLVED that the Legislative Assembly recommend to the Lieutenant-Governor in Council that Charles Murray be appointed Ombudsman for a term of seven years;

BE IT FURTHER RESOLVED that this House express its appreciation and gratitude to Bernard Richard for his professional and dedicated service to the Legislature and the people of New Brunswick, as well as to François Levert and Jennifer Murray who have served in the position of acting Ombudsman since Mr. Richard's resignation.

And the question being put, it was resolved in the affirmative.

With leave of the House, the Honourable the Premier moved, seconded by Hon. Mr. P. Robichaud: (Motion 71)

WHEREAS the Legislative Assembly of New Brunswick enacted the *Official Languages Act* to set out the rights of citizens and the obligations of government institutions in relation to the province's two official languages;

WHEREAS subsection 43(2) of that Act provides that a Commissioner of Official Languages for New Brunswick be appointed by the Lieutenant-Governor in Council on recommendation of the Legislative Assembly;

WHEREAS the term of office of Michel Carrier has expired;

WHEREAS a selection committee was established under subsections 43(2.1) and 43(2.2) of the Act for the purpose of identifying persons as potential candidates to be appointed Commissioner of Official Languages;

WHEREAS the selection committee developed a roster of qualified candidates and submitted the list of names of qualified candidates to the Lieutenant-Governor in Council under subsection 43(2.3) of the Act;

WHEREAS the selection committee has determined that Katherine d'Entremont possesses the proper qualifications and experience to successfully discharge the duties of Commissioner of Official Languages;

BE IT THEREFORE RESOLVED that the Legislative Assembly recommend to the Lieutenant-Governor in Council that Katherine d'Entremont be appointed Commissioner of Official Languages for New Brunswick for a term of seven years;

BE IT FURTHER RESOLVED that this House express its appreciation and gratitude to Michel Carrier for his professional and dedicated service to the Legislature and the people of New Brunswick.

And the question being put, it was resolved in the affirmative.

With leave of the House, the Honourable the Premier moved, seconded by Hon. Mr. P. Robichaud: (Motion 72)

WHEREAS the Legislative Assembly of New Brunswick enacted the *Child and Youth Advocate Act* to protect and advocate for the rights and interests of children and youths;

WHEREAS subsection 3(1) of that Act provides that a Child and Youth Advocate be appointed by the Lieutenant-Governor in Council on recommendation of the Legislative Assembly;

WHEREAS the term of office of Bernard Richard has expired;

WHEREAS a selection committee was established under subsections 3(1.1) and 3(1.2) of the Act for the purpose of identifying persons as potential candidates to be appointed Child and Youth Advocate;

WHEREAS the selection committee developed a roster of qualified candidates and submitted the list of names of qualified candidates to the Lieutenant-Governor in Council under subsection 3(1.3) of the Act;

WHEREAS the selection committee has determined that Norman Bossé possesses the proper qualifications and experience to successfully discharge the duties of Child and Youth Advocate;

BE IT THEREFORE RESOLVED that the Legislative Assembly recommend to the Lieutenant-Governor in Council that Norman Bossé be appointed Child and Youth Advocate for a term of seven years;

BE IT FURTHER RESOLVED that this House express its appreciation and gratitude to Bernard Richard for his professional and dedicated service to the Legislature and the people of New Brunswick, as well as to Christian Whalen who has served in the position of acting Child and Youth Advocate since Mr. Richard's resignation.

And the question being put, it was resolved in the affirmative.

It was agreed by unanimous consent to revert to Statements by Ministers.

With leave of the House, Mr. Jack Carr moved, seconded by Mr. Arseneault: (Motion 69)

WHEREAS Lyme Disease is 100% preventable; and

WHEREAS hundreds of Canadians live with Lyme Disease, an infectious disease caused predominantly by the bite of an infected tick; and

WHEREAS Lyme Disease can be a debilitating condition, causing extreme fatigue, cardiac and nervous system disorders and arthritic symptoms, which can affect one's quality of life and ability to work; and

WHEREAS awareness and diagnosis of Lyme Disease is improving;

WHEREAS New Brunswickers with Lyme Disease frequently suffer for many months, or even years, before diagnosis and treatment;

WHEREAS New Brunswickers would benefit by being better informed about Lyme Diseases' symptoms and treatment;

BE IT RESOLVED THAT this Legislative Assembly recognize the spread of Lyme Disease as a pressing public health issue; and

BE IT FURTHER RESOLVED THAT this Legislative Assembly request the Department of Health to work collaboratively to find solutions to this public health problem, including but not limited to working with health professionals, patients, researchers and public health employees to update public health information on prevention

and detection of Lyme Disease, recruitment of health professionals with the skill set needed to improve treatment of Lyme Disease, and improved professional development for health professionals in the awareness, prevention, treatment and diagnosis of Lyme Disease.

And the question being put, a debate ensued.

And the debate being ended, and the question being put, Motion 69 was resolved in the affirmative.

It was agreed by unanimous consent to permit Mr. Killen to table a letter from the Chief Executive Officer of the Canadian Chiropractic Protective Association dated June 13, 2013, and certain other correspondence.

The following Private Bill was read a second time:

Bill 71, *An Act to Amend An Act to Incorporate the New Brunswick Chiropractors Association.*

Pursuant to Standing Rule 121, Mr. Speaker ordered Private Bill 71 for third reading forthwith.

The following Private Bill was read a third time:

Bill 71, *An Act to Amend An Act to Incorporate the New Brunswick Chiropractors Association.*

Ordered that the said Bill does pass.

The House resolved itself into a Committee of the Whole with Mr. Urquhart in the chair.

And after some time, Mr. Speaker resumed the chair, and Mr. Urquhart, the Chair, after requesting that Mr. Speaker revert to Presentations of Committee Reports, reported:

That the Committee had directed that he report the following Bills as agreed to:

Bill 40, *An Act to Amend the Ombudsman Act.*

Bill 47, *An Act to Amend the Workers' Compensation Act.*

Bill 48, *An Act to Amend the Occupational Health and Safety Act.*

Bill 66, *An Act to Amend the Off-Road Vehicle Act.*

And that the Committee had directed that he report progress on the following Bill:

Bill 45, *An Act to Amend the Oil and Natural Gas Act.*

And the Committee asked leave to make a further report.

Pursuant to Standing Rule 78.1, Mr. Speaker put the question on the motion deemed to be before the House, that the report be concurred in, and it was resolved in the affirmative.

And then, 2 o'clock p.m., the House adjourned.

The following documents, having been deposited with the Clerk of the House, were deemed laid upon the table of the House pursuant to Standing Rule 39:

Annual Report 2011-2012, New Brunswick Police Commission	June 13, 2013
Annual Report 2011-2012 Ombudsman, New Brunswick	June 13, 2013