



# Investigation Report

**FILE NUMBER** 24-25-178

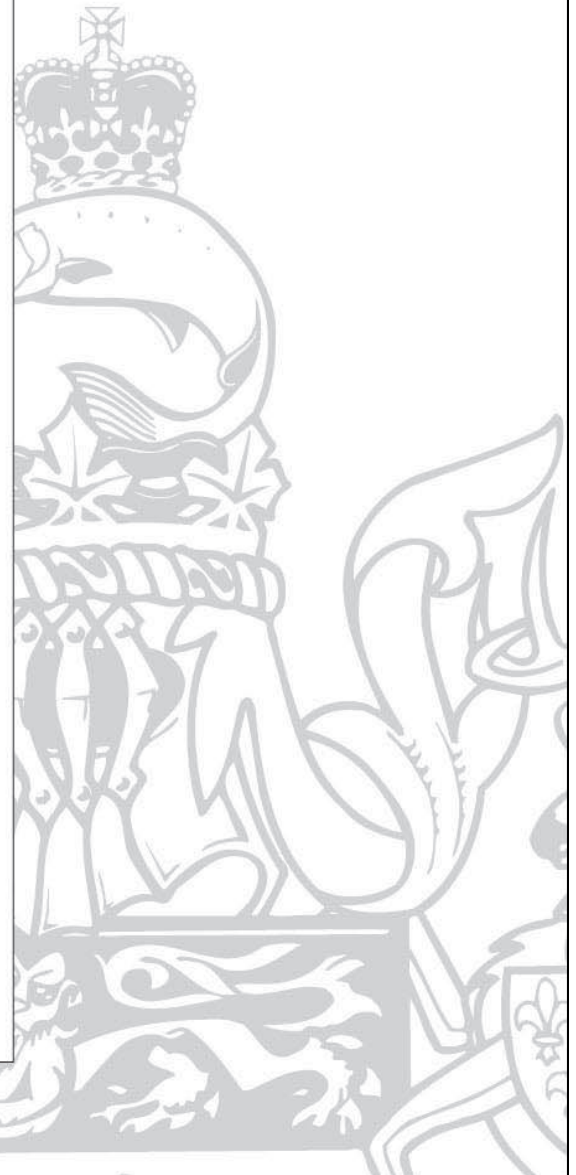
**INSTITUTION CONCERNED** Executive Council Office

**SUBJECT** Allegations of deficiencies with  
respect to communication in French

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**REPORT DISTRIBUTED TO THE  
FOLLOWING PERSONS** Clerk of the Executive Council  
Complainant  
Premier  
Executive Director of the Secretariat  
of Official Languages

**ISSUE DATE** December 2025



# Summary

This report was prepared following an investigation of a complaint against the Executive Council Office (the institution). More specifically, the complainant alleges deficiencies with respect to communication in French, as they were unable to obtain results in French equivalent to those in English on the Executive Council Office's Orders in Council search engine website.

Upon conclusion of this investigation, the Office of the Commissioner of Official Languages finds, for the reasons set out in this report, that the complaint is **founded** and that the institution failed to meet its obligations under the *Official Languages Act* of New Brunswick (OLA).

Having established that the complaint is founded, the Commissioner makes the following recommendations:

1. **THAT** for any future technological problems resulting in a failure to provide service of equal quality in both official languages, the institution immediately suspend the use of the service or offer it in an alternative manner upon identification of the problem in question;
2. **THAT** the institution continue to perform regular checks on Orders in Council search engine results to ensure searches conducted in both official languages are of equal quality;
3. **THAT** the institution submit to the Office of the Commissioner the results of its regular checks on the search engine and inform it of any problems relating to the official languages it encounters over the next twelve (12) months;
4. **THAT** the institution check all titles and links of the Orders in Council files appearing on its French website and, if necessary, modify them to ensure they appear entirely in French.

# Complaint

The details of the complainant's allegations are as follows:

[Translation]

*On January 30, 2025, I visited the Executive Council Office website for conducting online searches for Orders in Council at:*

<https://nb003p2.qnb.ca/hprmwebdrawer/oic?lang=fr-CA>

*The results provided by the Orders in Council online search service of the Executive Council Office are different and more comprehensive when searches are conducted in English. Although the Executive Council Office indicated it had resolved the issue after I submitted my initial complaint to the Office of the Commissioner on June 21, 2023, the issue is still occurring.*

*The initial complaint (file 23-24-047) concerned the results provided by the Orders in Council online search service of the Executive Council Office. While doing academic work, I noticed that search results were different and more comprehensive when I conducted a search in English.*

*This became clear during my research on Orders in Council adopted under the Regional Health Authorities Act, RSNB 2011, c 217. The search engine allows users to search for Orders in Council by the act under which they were made. When I entered "Loi sur les régies régionales de la santé" in the search field, there were no results. I did get three results by using only the shorter form "régies régionales de la santé," and the result was the same for the term "régies régionales."*

*However, the English version of the search engine was much more comprehensive. Searching for the term "Regional Health Authorities Act" in the "Statute (Act)" field yielded a total of 24 results. I got the same 24 results when I used the short form "Regional Health Authorities." All of these Orders in Council were nevertheless published in both official languages.*

*Following the alternative resolution process, the Office of the Commissioner informed me that the Executive Council Office had reported having resolved the issue with the online application to ensure that all Orders in Council under the act used for a search would be displayed regardless of which official language the search was conducted in. The Office of the Commissioner advised me that my file, 23-24-047, had therefore been closed.*

*After conducting subsequent checks, I have noticed that the issue definitely persists and is systemic. As of today, a search in English for Orders in Council under*

*“Regional Health Authorities Act” still yields results that are missing when I search using the French title of the act (“Loi sur les régies régionales de la santé”). For example, Order in Council 2020-228 does not appear in the French results.*

*In addition, my academic work has led me to conduct searches in various other areas, and I have noted that the issue is systemic. For example, using the simplest search function, by date, I have noticed that the list of Orders in Council adopted to date in 2025 is not the same when the search is carried out in French versus English. When I search in French using the search field “Date(s) de décret(s),” the range “2025-01-01, 2025-02-14” produces a result of 10 Orders in Council. However, the same search in English using the field “Order Date(s)” and the same dates produces 12 Orders in Council. Orders in Council 2025-005 and 2025-011 are not displayed in the French search results. This strikes me as even more problematic, since this simple search does not even involve any linguistic differences in the titles of the acts. It simply uses the publication dates of Orders in Council over a period of a month and a half. Furthermore, beginning on January 1 of each year, Orders in Council are numbered consecutively starting at 001. The system should therefore be able to recognize that the French results are incomplete when the Orders in Council listed skip from 004 to 006 and 010 to 012.*

## Abbreviations and Terms Used

OCOL	Office of the Commissioner of Official Languages
ECO	Executive Council Office
Institution	Executive Council Office
OLA	<i>Official Languages Act</i> of New Brunswick

# Investigation

## Background to the notice of investigation

The complaint in this case stems from an earlier complaint (file 23-24-047) on the same subject: the Executive Council Office's Orders in Council search engine does not return an equal number of results in both French and English. Following a response from the institution dated August 15, 2023, that file, an attempt at an alternative resolution, was closed, as the situation had presumably been corrected:

[Translation]

*Thank you for bringing this to our attention. We have concluded that the issue is a search engine issue, and not an issue related to data entry. Meaning that the data is available in both languages on the site, but the search engine that should guide individuals to the data is malfunctioning. Please know that the individual responsible for correcting this has been made aware and is working to rectify the issue.*

On October 11, 2023, following a request for an update from the complainant in this matter, the OCOL asked the institution's official languages coordinator to check with the employees responsible for the Orders in Council search engine to ensure that the situation had been resolved. On October 18, 2023, the OCOL received the following reply from the institution:

[Translation]

*As an update on the complaint in this matter, please note that the issue has been resolved. The problem was with the application.*

On October 19, 2023, during a telephone call, the complainant informed the OCOL that, in their opinion, although the institution seemed to have taken steps in the right direction in this matter, the situation had not yet been fully resolved, as the complainant's own searches had not yielded the expected results.

On October 24, 2023, the OCOL therefore sent another communication to the official languages coordinator of the Executive Council Office, asking again for the coordinator to ensure that the French search engine was providing the same results as the English one. On February 26, 2024, the institution contacted the OCOL to confirm that the problem with the application had been resolved. In response to this update, the OCOL said it would carry out tests and follow up with the Executive Council Office to inform it of any further problems.

Following the update of February 26, 2024, an investigator from the OCOL tested the search engine in both official languages on two occasions. After conducting checks on April 30, 2024, the investigator determined that the issues had not yet been resolved.

Since file 23-24-047 had been closed, the Commissioner decided to initiate a new complaint (file 24-25-003), since the Orders in Council search engine still did not appear to be functioning properly. On May 1, 2024, the Commissioner consequently forwarded to the Clerk of the Executive Council at the time another attempt at an alternative resolution, in which she requested that the institution undertake the following measures:

- that your institution will conduct exhaustive checks, in French and English, of its Orders in Council search engine;
- that your institution will make corrections to its Orders in Council search engine to ensure that any instances of linguistic inequality are eliminated;
- that your institution will provide a detailed explanation of the solutions implemented to rectify the situation;
- that, should it not be possible to immediately rectify the situation brought to its attention, your institution will ensure that the solution is in place by a specific date and that search results from the Orders in Council search engine will be of equal quality in both official languages.

On July 8, 2024, the Clerk at the time replied as follows:

[Translation]

*Thank you for your letter and contacting us with your concerns. Our team has been working hard to thoroughly research this issue and resolve it efficiently. We continue to be in contact with the service provider to correct technological challenges encountered throughout the process.*

*We appreciate your patience in this matter and will continue to provide updates until such time as we have successfully resolved the issue.*

The institution subsequently provided an update in this regard, advising the OCOL of the steps taken towards resolving the issue. On November 28, 2024, the institution sent the following response to the OCOL:

[Translation]

*We are in receipt of your letter, dated September 3, 2024, following up on the deficiencies related to the Orders in Council website. Though we continue to collaborate with service providers to resolve the problem, technical concerns have arisen since our last correspondence, causing further delays.*

*Our team is committed to keeping you informed, and we appreciate your patience in this process. You will receive updates as the situation develops.*

### **Investigation under subsection 43(13) of the OLA**

Following discussions with the complainant regarding the initial file and the submission of their new complaint on February 18, 2025, the Commissioner decided to proceed with an investigation under subsection 43(13) of the *Official Languages Act* of New Brunswick (the OLA) into the Orders in Council website, as the situation had been ongoing since at least June 2023.

A notice of investigation dated March 11, 2025, was sent to the Executive Council Office (the institution). In this notice to the Clerk of the institution at the time, the OCOL asked the institution to provide it with its assessment of the facts in relation to the complainant's allegations as well as any additional information that may be useful in this matter, and to answer a series of questions.

### **Response from the institution**

On April 4, 2025, the institution sent the OCOL its assessment of the facts in response to the complaint, along with answers to the questions of the OCOL. The institution stated as follows:

[Translation]

*Thank you for bringing your concerns regarding our search website to our attention. We understand how important it is for our search tool to function effectively and provide accurate and timely results in both official languages. As you are aware, our technical team has been working on a solution to the inaccuracies when searching the Orders in Council website. In doing so, they have discovered that the root cause of the issues stems from the operating systems on the servers that host, among other things, with publicly accessible Orders in Council website.*

*Beyond the server / hardware upgrades required, the Service New Brunswick (SNB) Business Application Services (BAS) support team ran into issues related to the application and SNB's ability to support the application while the government of New Brunswick (GNB) was already in the middle of a desktop refresh to rollout Windows 11 & MS Office 64Bit to all of GNB.*

.....  
*Your feedback is invaluable to us as it helps us to improve our services. We apologize for any inconvenience this may have caused you. Please be assured that we are actively working to resolve this issue so that we can restore our search website. Once we are confident that our solution is successful, we will reach out to inform you directly.*

### **First request for an update**

Following this response, on May 22, 2025, the OCOL decided to request an update from the institution to clarify the situation in this matter:

[Translation]

You indicated that you are continuing to work on resolving these technological issues and that you expected the new version of the Orders in Council search engine to go live on April 28, 2025, “subject to positive test results.”

.....  
Please inform me personally when the solution has been implemented. In the meantime, I would ask that you provide me with an update regarding any new measures put in place, since your response was sent on April 4, 2025.

In addition, to help the OCOL better understand the situation, the institution was asked a new series of questions.

On June 23, 2025, the institution provided its update and stated as follows:

[Translation]

*As always, we appreciate your attention to this matter. I can assure you that staff, both at Service New Brunswick and the Executive Council Office, are diligently working on the remaining issue, and will have an update to share with you soon. In the interim, staff in my office are able to assist the public with any inquiries they may have.*

**Second request for an update**

On August 28, 2025, after beginning to draft this investigation report, the OCOL requested additional information from the institution to help it complete its analysis of the file.

On September 22, 2025, the institution provided a final response, stating as follows:

[Translation]

*As always, we appreciate your attention to this matter. We are committed to ensuring the Orders in Council website is consistent when searching in both official languages.*

In the following section of this report, the OCOL will examine and analyze the responses provided by the institution.

# Analysis

Relevant provisions of the *Official Languages Act* of New Brunswick (OLA) in this matter are as follows:

## **COMMUNICATION WITH THE PUBLIC**

### **Communications with government and its institutions**

**27** Members of the public have the right to communicate with any institution and to receive its services in the official language of their choice.

### **Obligations of institutions**

**28** An institution shall ensure that members of the public are able to communicate with and to receive its services in the official language of their choice.

**28.1** An institution shall ensure that appropriate measures are taken to make it known to members of the public that its services are available in the official language of their choice.

### **Services provided by third parties**

**30** When the Province or an institution engages a third party to provide a service on its behalf, the Province or the institution, as the case may be, is responsible for ensuring that its obligations under sections 27 to 29 are met by the third party.

## **COMMUNICATION AVEC LE PUBLIC**

### **Communication avec le gouvernement et ses institutions**

**27** Le public a le droit de communiquer avec toute institution et d'en recevoir les services dans la langue officielle de son choix.

### **Obligation des institutions**

**28** Il incombe aux institutions de veiller à ce que le public puisse communiquer avec elles et en recevoir les services dans la langue officielle de son choix.

**28.1** Il incombe aux institutions de veiller à ce que les mesures voulues soient prises pour informer le public que leurs services lui sont offerts dans la langue officielle de son choix.

### **Prestation de services pour le compte de la province**

**30** Si elle fait appel à un tiers afin qu'il fournisse des services pour son compte, la province ou une institution, le cas échéant, est chargée de veiller à ce qu'il honore les obligations que lui imposent les articles 27 à 29.

## **Questions asked by the OCOL and responses provided by the institution**

The questions asked by the Office of the Commissioner of Official Languages (OCOL) in the notice of investigation covered several points, including compliance with the OLA, steps taken by the institution, checks on search engine results, cooperation within the government, relationships with providers and service of equal quality.

This section of the report examines the Executive Council Office's (the institution's) responses to the questions relating to these points. Through its analysis, the OCOL concluded that the complaint is **founded**.

### **Compliance with the OLA**

#### Active offer of service

The obligations imposed by the OLA are clear: the institution must be able to communicate with the public and offer its services to members of the public in both official languages. Furthermore, the institution must inform the public that its services are available in both official languages. In other words, the public should not have to request service in either official language, as both languages should already be offered. This is what is called the "active offer of service."

In this complaint, the active offer of service is not at issue. The complainant received service partially in French, as they were able to navigate the Orders in Council website in French, the language of choice. However, when using French terminology in the French search engine, the complainant noted deficiencies in relation to the results. They noticed that when they performed an equivalent search in English, the search engine yielded more results than it did in French. In the OCOL's view, this suggests a lack of continuity of service in French.

#### Continuity of service in French

When members of the public express their choice of official language in response to the active offer of service, this language choice must be respected throughout their access to the service offered by the institution. In this case, the complainant was not accessing an in-person service but an online one. As noted above, the complainant appears to have been able to navigate the institution's Orders in Council website entirely in the language of choice.

However, according to the complainant's allegations, their choice of language was not respected when they realized that there was a discrepancy between the research results obtained in French and those obtained in English. The tests performed by the OCOL also demonstrated this, and the institution did not deny the situation.

The OLA makes no exceptions for special circumstances; an institution governed by the OLA must be able to uphold its linguistic obligations at all times, regardless of unforeseen circumstances. Even though the service is provided online, the same obligations must be met. It is up to the institution, not members of the public, to find a way to meet the linguistic obligations imposed under the OLA.

As noted in previous situations, if the service received in the official language of choice is not adequate or if members of the public get the impression that the service in their official language is not equivalent to that offered in the other official language, they are often unlikely to assert their language rights. Instead, they are more likely to accept service in the other official language. Past experience has also shown that many people do not insist on receiving services in their official language of choice.

In the opinion of the OCOL, the institution must work to eliminate any perception among members of the public that there is inequality regarding Orders in Council search engine results in either of the two official languages. Because of the complainant's observation that there were more search results in English than in French, their official language of choice, there was a lack of continuity of service in French, and the complaint is therefore **founded**.

When the complainant performed a search in French, their official language of choice, the search engine should have offered the same number of results as a search performed in English, but this was not the case. The OCOL therefore asked the institution to address the situation. As we can see, since the initial complaint (file 23-24-047) was filed, the institution has been working to resolve the issue brought to its attention.

### **Measures Undertaken**

As mentioned above, the issue regarding the Orders in Council search engine results in both official languages had been ongoing since the first complaint was filed in July 2023. Despite the institution's efforts to resolve the situation and a second complaint initiated by the Commissioner, these searches continued to yield inaccurate results, and the complainant decided to file the complaint in question. The OCOL, being dissatisfied with the slow pace of the necessary remedial action in these cases, asked the institution in its notice of investigation to provide an exhaustive list of all steps taken in this regard. Unbeknownst to the OCOL, the institution had already begun background work before the first complaint was filed.

The OCOL asked the following question:

[Translation]

Please describe in detail all measures your institution and your provider have taken to date to resolve the issue that was brought to your attention in July 2023. Specifically, what measures have been implemented since the last update received by the Office of the Commissioner on November 28, 2024?

The institution provided the OCOL with a timeline of the steps taken, dating back to January 2023:

[Translation]

#### **January 2023**

- *Servers supporting Hewlett Packard Records Manager (HPRM) identified for replacement due to support concerns for both the server operating system and application version in use by the Department of Finance and Treasury Board (FTB), the Executive Council Office (ECO) and the Premier's Office (PO).*

#### **February-June 2023**

- *HPRM support issues identified related to pending desktop upgrades to Windows 11 64Bit & MS Office 64Bit, the 32Bit version of HPRM desktop*

*software search results were not consistent due to version compatibility, 64Bit version of client software deployed to affected users.*

- *SNB worked with support vendor to help resolve identified issues. HPRM version upgrade recommended by vendor.*

#### **July-August 2023**

- *Search result issues identified with Orders in Council (OIC) website search, database (DB) indexing resolved some but not all search related issues with inconsistent results between English and French, data quality issues were identified related to consistency of entered data for both languages and in turn search results did not return the same records when searched in both languages.*

#### **August 2023**

- *Planning for HPRM upgrades discussed with business owners including server changes required to move forward with upgrades.*
- *New HPRM servers ordered for server replacement.*
- *Planning / testing of HPRM upgrade by SNB\BAS staff, upgrade testing failed due to application and database version issues.*
- *Discussions started regarding vendor assisted upgrade requirements.*

#### **October 2023**

- *Upgrade discussions with application business owners for ECO and FTB, upgrade planning confirmed upgrade for ECO\PO instance would move forward first due to server requirements.*

#### **January 2024**

- *Vendor confirmed required upgrade path that would require vendor support throughout the first HPRM 8.3 instance upgrade to include HPRM 8.3 to v 9.3 as well as 9.3 to Content Manager (CM) 23.3 for ECO\PO instance.*

#### **February-May 2024**

- *Upgrade for ECO\PO instance of HPRM 8.3 planning including quotes from support vendors for upgrade.*
- *May 2024 - search result issues identified with OIC website search, reindexing of the database (DB) helped with some records but the main issue is inconsistency in the data. Data cleanup was recommended by FTB Records Manager.*

#### **June-August 2024**

- *Quotes requested from support vendors, successful support vendor confirmed – Open Text (formerly MicroFocus), data privacy concerns discussed with business and system owners.*

**August 2024**

- *Contract signed with Open Text (formerly MicroFocus) for ECO\PO HPRM 8.3 to Content Manager (CM) 23.3 Upgrade.*

**September 2024**

- *Upgrade of HPRM 8.3 started with upgrade of Test version of application and databases required for multi step upgrades, data privacy risk mitigation plan document started.*

**October 2024**

- *Data Privacy concerns reviewed and mitigations endorsed by Business Owner, GNB Privacy, IT Security and SNB.*

**November 2024**

- *Upgrade completed for Content Manager 23.3 in Test, user testing started, new Orders in Council (OIC) website development started to match GNB digital policy and Content Manager\WebDrawer compatibility requirements.*

**December 2024**

- *Production servers ordered for Content Manager Production, new OIC website development ongoing.*
- *OIC website testing resulted in change request to add drop-down select functionality for search, change pending.*

**January 2025**

- *User testing ongoing for desktop application and OIC website, version support for 23.3 versus new release of 24.4 discussed and confirmed upgrade to 24.4 would allow for additional 9 months of support for application.*

**February 2025**

- *Decision to change upgrade version to CM 24.4 confirmed, Open Text (formerly MicroFocus) provided change order for upgrade to 24.4.*

**March 2025**

- *Upgrade of test version to 24.4 started, upgrade of application & database Test servers completed for CM 24.4, User Acceptance Testing (UAT) on CM 24.4 started, OIC website changes for CM 24.4 started.*

Despite all the institution's efforts described above, the Orders in Council search engine remains defective in March 2025, more than 20 months after the institution was informed of the initial complaint (file 23-24-047). The OCOL therefore asked the following question in its notice of investigation of March 11, 2025:

[Translation]

In your opinion, what are the main barriers preventing your institution from maintaining the equal quality of all online services offered in both official languages on the Orders in Council page?

The institution stated as follows:

[Translation]

*Final updates to the application, re-entry of all NB statutes in both languages, and the requirement for the user to select from drop-down boxes with pre-populated statutes, rather than manually typing the statute.*

The OCOL was concerned about substantial delays in service to members of both official linguistic communities and wondered when the search engine was last updated and how often updates occurred. The OCOL therefore asked the following question:

[Translation]

To your knowledge, how many years have elapsed since the last upgrade of the search engine for Orders in Council? What is the average lifespan of a system such as this search engine?

*The last upgrade to the system occurred in 2018. In terms of the current application, there is no end date for support, and a requirement to upgrade is at least 3 years away. That upgrade would be to the servers, and not necessarily the application, unless there is a change in support from the vendor OpenText.*

The OCOL also took the opportunity to ask the institution a question regarding cooperation within the government. The GNB website has many pages for various government departments and agencies. The OCOL wanted to know whether problems similar to those encountered with the Orders in Council search engine were encountered with other search engines or with components of websites for other departments or agencies. In such cases, are solutions to problems shared between departments? To rule out any possibility of delays due to a duplication of work on upgrades or technological problems, the OCOL asked the institution the following question about interdepartmental cooperation:

[Translation]

To minimize the duplication of work within the government, do you and your first-level provider, Service New Brunswick, share the results of attempted solutions with other government institutions using similar systems for conducting searches in both official languages? Please elaborate.

*Service New Brunswick supports 8 instances of the HPRM based applications in government. They are currently working with the Office of the Chief Information Officer and others to develop a GNB standard for Content Management \ Records Management.*

As noted above, the problems with the search engine stem from a broader issue: the upgrade of the servers and the Hewlett Packard Records Manager (HPRM) data management software. Not surprisingly, the GNB system manages a high volume of data, and upgrading the servers and related software has created a bug in the Orders in Council search engine, impacting user access to data of equal quality in both official languages.

The OCOL therefore asked for a specific deadline by which the situation brought to the institution's attention would be fully resolved. The institution indicated as follows: [Translation] "It is anticipated that the new project go-live date will [be] April 28th [2025], subject to positive test results."

After receiving this response, on May 16, 2025, an OCOL investigator visited the Executive Council Office's Orders in Council website to see if the situation had been resolved. They received the following message:

[Translation]

*The Executive Council Office website is currently undergoing maintenance upgrades to enhance your online experience. During this period, the website will be temporarily unavailable. We apologize for any inconvenience this may cause. Our team is working diligently to ensure that the maintenance is completed efficiently and effectively so that we can restore full access as quickly as possible.*

*Should you require assistance or have any urgent matters, please do not hesitate to contact the Executive Council Office at [eco-bce@qnb.ca](mailto:eco-bce@qnb.ca).*

The website was therefore offline, and members of the public in both official linguistic communities no longer had access to the Orders in Council search engine. Although the OCOL was disappointed to see this notice from the institution after several months of work on the issue, it agrees with the institution's decision to temporarily disable the website. In effect, the service offered to members of both official linguistic communities was equal in this case, even if they did not have access to the search engine at the time.

On May 22, 2025, in a request for an update, the OCOL asked the following question:

[Translation]

How do members of the public access Orders in Council in both official languages while the search engine is undergoing maintenance and upgrades? Please elaborate.

The institution provided the following response:

[Translation]

*The notice on the Orders in Council website advises individuals to contact the Executive Council Office at [eco-bce@gnb.ca](mailto:eco-bce@gnb.ca) for assistance. This email address is monitored daily, and any requests for Orders in Council are actioned accordingly.*

The OCOL then asked the following question on August 28, 2025:

[Translation]

On what date was the Orders in Council search engine disabled and the notice informing the public to contact the Executive Council Office at [eco-bce@gnb.ca](mailto:eco-bce@gnb.ca) posted?

The institution stated that the [Translation] “maintenance page was posted on March 13, 2025.” The OCOL subsequently asked as follows:

[Translation]

What influenced the decision to disable the search engine?

The institution provided this response:

[Translation]

*The Orders in Council website was temporarily deactivated to complete an upgrade to alignment with the overall GNB website update. In addition, discrepancies between the French and English search results needed to be resolved before it could be made live again to avoid reoccurring deactivation of the website.*

As the OCOL has already pointed out, it agrees with the institution’s decision to disable the search engine. However, the OCOL wonders why the search engine was not disabled by the institution as soon as it learned that the Orders in Council search results were not equal in both official languages. If the institution had issued a notice, such as the one posted on March 13, 2025, when the first complaint was filed, it would have been able to meet its linguistic obligations from the start, ensuring members of both linguistic communities received service of equal quality until the new version of the search engine was launched. According to the institution, this new version was launched on August 20, 2025. And according to checks carried out by the OCOL, the situation appears to now be resolved.

The OCOL therefore recommends as follows:

**Recommendation No. 1:**

**The Office of the Commissioner recommends that for any future technological problems resulting in a failure to provide service of equal quality in both official languages, the institution immediately suspend the use of the service or offer it in an alternative manner upon identification of the problem in question.**

## Verification of search engine data

In a response to the initial complaint (file 23-24-047), the institution stated, [Translation] “the issue has been resolved. The problem was with the application.” However, shortly after the closing of that file, the complainant questioned whether everything had indeed been resolved, as their subsequent searches revealed that the problem was ongoing. The search engine results were not the same in French and English. The Commissioner then initiated her own complaint (file 24-25-003), because, based on searches performed by OCOL investigators, the situation still had not been resolved. After the most recent complaint was filed, in its notice of investigation dated March 11, 2025, the OCOL asked a question relating to the verification of the website and its data, as the institution had never mentioned any verification procedure in its responses and updates to the OCOL:

[Translation]

How does your institution verify information on the Orders in Council website to ensure that search results in the two official languages are of equal quality?

*Executive Council Office uploads both the English and French versions of Orders in Council to the website, using the HPE Records Manager application. Once the Order in Council (in both languages) is uploaded to the website, the status of the document becomes “published”. We have typically not then gone into the website to compare searches. We have since written a step into our SOP to perform periodic checks to ensure that the results when searching in both official languages are verified.*

On August 28, 2025, since the institution had admitted that it did not [Translation] “compare searches” in its prior response, the OCOL asked two follow-up questions to determine what tests staff at the Executive Council Office were performing to verify the search engine and its results and how frequently the tests were performed. The institution provided the following responses:

[Translation]

*Every 3 months a performance and user experience review is conducted. 3-5 departments / 5-10 Acts are randomly selected and tested from a master list. Search results are compared in both official languages to ensure equal results are occurring. Once the department or act has been used to test the Orders in Council website, they are crossed off to allow new departments/acts to be used for the next performance check. An updated SOP has also been created to include post-uploaded testing results.*

.....  
*A comprehensive comparative review was conducted using a master list. Each Act has been [searched for] in both official languages using the website’s search engine. The results were then compared to ensure consistency in both quantity and quality. The master list of about 400+ Acts was created using the GNB Acts and regulations website, as well as the CanLII Consolidated Statutes of New Brunswick list.*

The OCOL was pleased to learn that the institution has implemented regular checks of the Orders in Council search engine. This demonstrates its commitment to providing service of equal quality in both official languages to all members of the public. In this regard, the OCOL makes the following recommendations:

**Recommendation No. 2:**

**The Office of the Commissioner recommends that the institution continue to perform regular checks on Orders in Council search engine results to ensure searches conducted in both official languages are of equal quality.**

**Recommendation No. 3:**

**The Office of the Commissioner recommends that the institution submit to the Office of the Commissioner the results of its regular checks on the search engine and inform it of any problems relating to the official languages it encounters over the next twelve (12) months.**

### **Relationship with providers**

According to the institution, its first-level provider, Service New Brunswick, is well aware of its linguistic obligations under the OLA. In this particular case, the problem is not related to the services offered by the providers but rather to the quality of the data, which delayed the identification of solutions. Based on the institution's responses, the OCOL notes that the first-level provider has been able and is able to provide service of equal quality in both official languages. The OCOL asked the following additional questions to paint a broader picture of the background work carried out on the Orders in Council website:

[Translation]

What types of ongoing communication take place between you and your provider?

*There are 3 levels of support provided for the application that manages the records that are provided through the Orders in Council website, Service New Brunswick (SNB) provides first level support for technical issues associated with the application or website. Second level technical support is provided by a contracted provider and finally 3rd level support is provided by the application's provider. All of the support detailed above is related only to technical support and not business processes that include data entry.*

How is your provider made aware of your institution's linguistic obligations under the OLA? Does your service contract with your provider include a clause concerning official languages and your linguistic obligations?

*SNB as the first point of contact for support is aware of the organisation obligations under [the] OLA but has no involvement in the business processes related to records management in the department(s). There is no language in the support agreement with either of the support providers that pertains to the organisation obligations under the OLA.*

In your opinion, do the two second- and third-level providers have no linguistic obligations since they are providing a service to the first-level provider, i.e. Service New Brunswick, and therefore are not serving members of the public directly? Please elaborate.

*In my opinion, the linguistic obligations of second- and third-level providers who do not provide services directly to the public depend on the situation. As legal obligations are less a matter of opinion and more a matter of interpretation of the law, I would answer this by saying that I am confident in the ability of Service New Brunswick's procurement staff to effectively apply the Official Languages Act to the circumstances of each sub-contract.*

What explanations has your provider offered to account for the many delays in addressing the situation, which remains unresolved?

*The provider (SNB) has confirmed that the remaining issue is related to data quality that is out of their control and as such cannot speak to the [delays] in resolving the situation.*

### **Service of equal quality**

According to the explanations of the institution, it is well aware of its linguistic obligations under the OLA. However, the timeline in this case indicates that the problems have been ongoing since June 2023. Although the institution claimed, on multiple occasions, that the situation had been resolved, the OCOL was informed by the complainant that the issue was ongoing.

As noted above, the OCOL indicated that, to ensure all members of both official linguistic communities receive equal service from the Orders in Council search engine, the institution should have disabled the website upon being informed of the first complaint on July 25, 2023. Checks should have been performed on the website at that point. In doing so, the institution would have discovered that there was an ongoing problem of fewer search results for Orders in Council in French than in English.

In *R. v. Beaulac*, [1999] 1 SCR 768, the Supreme Court of Canada clearly indicated as follows:

*39 [ . . . ] in the context of institutional bilingualism, an application for service in the language of the official minority language group must not be treated as though*

*there was one primary official language and a duty to accommodate with regard to the use of the other official language. The governing principle is that of the equality of both official languages.*

The OCOL notes that the institution is not respecting the equality of New Brunswick's two official linguistic communities if its online tools do not meet all of its official language obligations.

Although the complaint is founded and the OCOL has issued the above recommendations concerning the verification of data and deactivation of the search engine, among other matters, the OCOL notes that the institution clearly understands its linguistic obligations under the OLA. The situation therefore reveals not a lack of understanding on the part of the institution but a technological problem that the OCOL deems serious.

Lastly, the institution's responses show that it has implemented, or will be implementing, the necessary measures to ensure compliance with its obligations under the OLA. In addition, the institution has confirmed that it has already taken corrective measures, such as comparing search results, to ensure it is effectively serving members of the public in the official language of their choice in the future.

#### **Checks carried out by the Office of the Commissioner**

After receiving confirmation from the institution that the new version of the search engine had been launched on August 20, 2025, the OCOL began working on this report. On October 30, 2025, an investigator from the Office of the Commissioner of Official Languages tested the new Orders in Council search engine to ensure that, as the institution suggested, [Translation] "the Orders in Council website is consistent when searching in both official languages."

French Orders in Council can be accessed via the Executive Council Office website:<sup>1</sup>

[https://nb003p1.gnb.ca/OICWEB/fr?\\_gl=1\\*1j0ljde\\*\\_ga\\*MjExNDU0MDg4MS4xNzMwMjk1NTkw\\*\\_ga\\_F531P4D0XX\\*cze3NjM1NTg3NTUkbzEyMSRnMCR0MTc2MzU1ODc1NSRqNjAkbdAKaDA.\\*\\_ga\\_X5V0H8WVKQ\\*cze3NjM1NTg3NTUkbzUzJGcwJHQxNzYzNTU4NzU1JGo2MCRsMCRoMA](https://nb003p1.gnb.ca/OICWEB/fr?_gl=1*1j0ljde*_ga*MjExNDU0MDg4MS4xNzMwMjk1NTkw*_ga_F531P4D0XX*cze3NjM1NTg3NTUkbzEyMSRnMCR0MTc2MzU1ODc1NSRqNjAkbdAKaDA.*_ga_X5V0H8WVKQ*cze3NjM1NTg3NTUkbzUzJGcwJHQxNzYzNTU4NzU1JGo2MCRsMCRoMA)

The page in question is published entirely in either of the two official languages, with a "Français" or "English" button to toggle between the two. Users can simply insert information, such as the Order in Council number or date, or the name of a statute or department, into one of the text fields. For the purposes of this report, these checks were carried out using the "Statute (Act)" text field.

Just as the complainant had done, an investigator entered the words "Loi sur les régies régionales de la santé" into the text field. A total of 25 results appeared in French,<sup>2</sup> which was an improvement over the results obtained by the complainant in their initial search, which returned

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<sup>1</sup> See **Appendix 1.**

<sup>2</sup> See **Appendix 2.**

zero results. The investigator then performed a search in the English search engine with the words “Regional Health Authorities Act.” This search yielded 25 results as well.<sup>3</sup>

When performing a comparative search in the French search engine using the words “Regional Health Authorities Act,” the investigator from the Office of the Commissioner received the following message: “Aucun document n’a été trouvé. Veuillez modifier les critères de recherche.” [“No documents found. Please change search criteria.”]<sup>4</sup> The investigator therefore had to switch to the English website to obtain search results in English. Similarly, the English search engine returned only English results. A notice that reads “No documents found. Please change search criteria.” appears when “Loi sur les régions régionales de la santé” is entered into the text field of the English search engine.<sup>5</sup> However, this does not violate the provisions of the OLA.

When checking the Orders in Council links from the French search engine, the Office of the Commissioner investigator discovered that the titles of the PDF files that open when clicking on them are in English only, although the documents themselves are in French. For example, when clicking on the first result, “OIC2011-111F”, the PDF file that opens is titled “Appointment of a member and chairperson of the Regional Health Authority B (Horizon Health Network).PDF\_(3).pdf.”<sup>6</sup>

Further research has shown that many of the Orders in Council files have English titles while the documents themselves are in French. In addition, the links contain the abbreviation “OIC,” which stands for “Order in Council.” The investigator then checked Orders in Council under several other statutes and found that the same was true for other Orders in Council links and titles. The Office of the Commissioner is of the opinion that to provide service of equal quality in both official languages, the links and titles of the French files should be entirely in French. To this end, the Office of the Commissioner makes the following recommendation:

**Recommendation No. 4:**

**The Office of the Commissioner recommends that the institution check all titles and links of the Orders in Council files appearing on its French website and, if necessary, modify them to ensure they appear entirely in French.**

In carrying out these checks, the Office of the Commissioner noted an improvement in the equality of service in both official languages on the institution’s website. The Office of the Commissioner therefore thanks the institution for its efforts to provide service of equal quality to members of both official linguistic communities in their use of the Orders in Council search engine.

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<sup>3</sup> See **Appendix 3.**

<sup>4</sup> See **Appendix 4.**

<sup>5</sup> Ibid.

<sup>6</sup> See **Appendix 5.**

# Conclusion and Recommendations

The investigation of the Office of the Commissioner of Official Languages made it possible to establish that, for the reasons stated in this report, the complaint is **founded** and the Executive Council Office (the institution) failed to meet its obligations under the *Official Languages Act* of New Brunswick (OLA).

Having established that the complaint is founded, the Commissioner makes the following recommendations:

1. **THAT** for any future technological problems resulting in a failure to provide service of equal quality in both official languages, the institution immediately suspend the use of the service or offer it in an alternative manner upon identification of the problem in question;
2. **THAT** the institution continue to perform regular checks on Orders in Council search engine results to ensure searches conducted in both official languages are of equal quality;
3. **THAT** the institution submit to the Office of the Commissioner the results of its regular checks on the search engine and inform it of any problems relating to the official languages it encounters over the next twelve (12) months;
4. **THAT** the institution check all titles and links of the Orders in Council files appearing on its French website and, if necessary, modify them to ensure they appear entirely in French.

The Office of the Commissioner would like to thank the institution for its cooperation in this investigation.

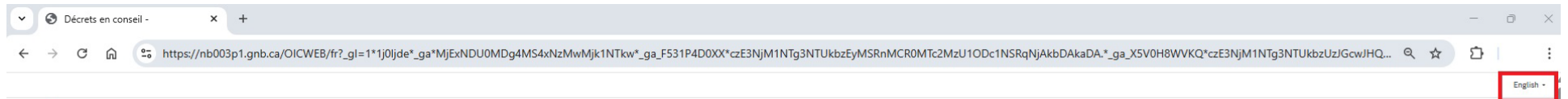
Pursuant to subsection 43(16) of the OLA, we submit this report to the Clerk of the Executive Council, the complainant and the Premier. We also submit it to the Executive Director of the Secretariat of Official Languages.

Pursuant to subsection 43(18) of the OLA, if the complainant is dissatisfied with the conclusions presented following this investigation, they may apply to the Court of King's Bench of New Brunswick for a remedy.

Shirley C. MacLean, K.C.  
Commissioner of Official Languages for New Brunswick  
Signed at the City of Fredericton,  
Province of New Brunswick,  
**This 3rd day of December 2025**

# APPENDIX 1

## French Orders in Council website



### Décrets en conseil

Le présent site Web est un service offert par le Bureau du Conseil exécutif du Nouveau-Brunswick. Vous pouvez chercher un décret en conseil à partir des critères suivants :

\*Veuillez prendre note que les décrets en conseil antérieurs à 2011 se trouvent dans les Archives provinciales du Nouveau-Brunswick.

Si vous relevez des incohérences ou si vous avez des doutes quant à l'exactitude ou l'exhaustivité de l'information fournie, écrivez-nous à l'adresse courriel [eco-bce@gnb.ca](mailto:eco-bce@gnb.ca)

Numéro de décret en conseil :

— Pour faire une recherche approximative, utilisez l'astérisque (\*) dans le champ du numéro du décret en conseil.

(p. ex. : 2019-\*)

Loi :

Ministère :

Date(s) de décret(s) :

— Utilisez une virgule pour séparer les dates dans une recherche par plage de dates. (JJ/MM/AAAA, JJ/MM/AAAA)

JJ/MM/AAAA

Limiter la recherche aux décrets en conseil publiés dans les deux dernières semaines :

Oui  Non

[Recherche](#) [Réinitialiser](#)

Il est également possible de se procurer le texte des règlements approuvés par décrets en conseil auprès de [L'imprimeur du Roi](#).

Les documents des décrets en conseil offerts sur ce site Web sont fournis à titre d'information uniquement et ne doivent pas être considérés comme officiels.

Obtenir des copies certifiées de décrets en conseil ou des décrets en conseil précédents :

communiquiez directement avec nous :

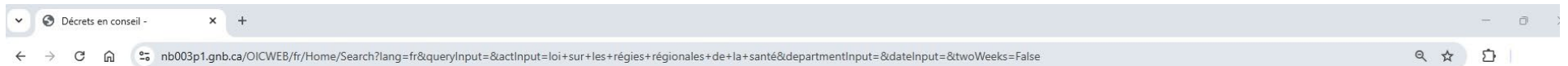
Par courriel : [eco-bce@gnb.ca](mailto:eco-bce@gnb.ca)

Par téléphone : 506-444-4417

Par télécopieur : 506-453-2266

# APPENDIX 2

## French search results



Décrets en conseil - Résultats de la recherche

OIC	Loi :	Ministère :
<a href="#">OIC2011-11F</a>	Loi sur les régies régionales de la santé	Santé
<a href="#">OIC2011-130F</a>	Loi sur les régies régionales de la santé; Loi sur le Conseil exécutif	Santé; Bureau du Conseil exécutif
<a href="#">OIC2011-022F</a>	Loi sur les régies régionales de la santé	Santé
<a href="#">OIC2011-201F</a>	Loi sur les régies régionales de la santé; Loi d'interprétation	Santé
<a href="#">OIC2011-219F</a>	Loi sur les régies régionales de la santé	Santé
<a href="#">OIC2011-202F</a>	Loi d'interprétation; Loi sur les régies régionales de la santé	Santé
<a href="#">OIC2011-270F</a>	Loi sur les régies régionales de la santé; Loi d'interprétation	Santé
<a href="#">OIC2012-032F</a>	Loi sur les régies régionales de la santé	Santé
<a href="#">OIC2012-033F</a>	Loi sur les régies régionales de la santé	Santé
<a href="#">OIC2012-353F</a>	Loi sur les régies régionales de la santé	Santé
<a href="#">OIC2014-370F</a>	Loi sur les régies régionales de la santé	Environnement et Gouvernements locaux
<a href="#">OIC2014-371F</a>	Loi sur les régies régionales de la santé	Environnement et Gouvernements locaux
<a href="#">OIC2015-122F</a>	Loi sur les régies régionales de la santé	Environnement et Gouvernements locaux
<a href="#">OIC2015-123F</a>	Loi sur les régies régionales de la santé	Environnement et Gouvernements locaux
<a href="#">OIC2016-003F</a>	Loi sur les élections municipales; Loi sur l'éducation; Loi sur les régies régionales de la santé	Élections Nouveau-Brunswick
<a href="#">OIC2016-046F</a>	Loi sur les régies régionales de la santé	Santé
<a href="#">OIC2016-080F</a>	Loi sur les régies régionales de la santé	Santé
<a href="#">OIC2016-090F</a>	Loi sur les régies régionales de la santé	Santé
<a href="#">OIC2017-078F</a>	Loi sur les régies régionales de la santé	Santé
<a href="#">OIC2018-113F</a>	Loi sur les régies régionales de la santé	Environnement et Gouvernements locaux
<a href="#">OIC2019-090F</a>	Loi sur les régies régionales de la santé	Environnement et Gouvernements locaux
<a href="#">OIC2020-228F</a>	Loi sur l'éducation; Loi sur les élections municipales; Loi sur les régies régionales de la santé	Élections Nouveau-Brunswick
<a href="#">OIC2022-324F</a>	Loi sur les régies régionales de la santé	Santé
<a href="#">OIC2023-094F</a>	Loi sur les régies régionales de la santé	Santé
<a href="#">OIC2025-162F</a>	Loi sur les régies régionales de la santé	Santé

[Fermer](#)

Il est également possible de se procurer le texte des règlements approuvés par décrets en conseil auprès de [L'imprimeur du Roi](#).

Les documents des décrets en conseil offerts sur ce site Web sont fournis à titre d'information uniquement et ne doivent pas être considérés comme officiels.

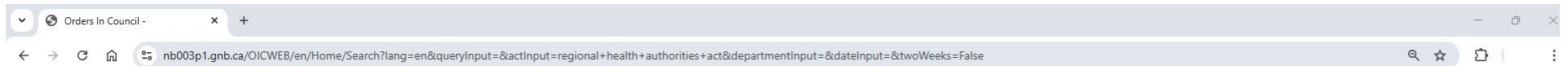
Obtenir des copies certifiées de décrets en conseil ou des décrets en conseil précédents :

communiquiez directement avec nous :  
Par courriel : [eco-bce@gmb.ca](mailto:eco-bce@gmb.ca)

Par téléphone : 506-444-4417  
Par télécopieur : 506-453-2266

# APPENDIX 3

## English search results



**B**

OIC	Statute (Act):	Department:
<a href="#">OIC2011-111E</a>	Regional Health Authorities Act	Health
<a href="#">OIC2011-139E</a>	Regional Health Authorities Act; Executive Council Act	Health; Executive Council Office
<a href="#">OIC2011-022E</a>	Regional Health Authorities Act	Health
<a href="#">OIC2011-201E</a>	Regional Health Authorities Act; Interpretation Act	Health
<a href="#">OIC2011-219E</a>	Regional Health Authorities Act	Health
<a href="#">OIC2011-202E</a>	Regional Health Authorities Act; Interpretation Act	Health
<a href="#">OIC2011-279E</a>	Interpretation Act; Regional Health Authorities Act	Health
<a href="#">OIC2012-032E</a>	Regional Health Authorities Act	Health
<a href="#">OIC2012-033E</a>	Regional Health Authorities Act	Health
<a href="#">OIC2012-353E</a>	Regional Health Authorities Act	Health
<a href="#">OIC2014-370E</a>	Regional Health Authorities Act	Environment and Local Government
<a href="#">OIC2014-371E</a>	Regional Health Authorities Act	Environment and Local Government
<a href="#">OIC2015-122E</a>	Regional Health Authorities Act	Environment and Local Government
<a href="#">OIC2015-123E</a>	Regional Health Authorities Act	Environment and Local Government
<a href="#">OIC2016-003E</a>	Municipal Elections Act; Education Act; Regional Health Authorities Act	Elections New Brunswick
<a href="#">OIC2016-046E</a>	Regional Health Authorities Act	Health
<a href="#">OIC2016-089E</a>	Regional Health Authorities Act	Health
<a href="#">OIC2016-090E</a>	Regional Health Authorities Act	Health
<a href="#">OIC2017-078E</a>	Regional Health Authorities Act	Health
<a href="#">OIC2018-113E</a>	Regional Health Authorities Act	Environment and Local Government
<a href="#">OIC2019-099E</a>	Regional Health Authorities Act	Environment and Local Government
<a href="#">OIC2020-228E</a>	Education Act; Municipal Elections Act; Regional Health Authorities Act	Elections New Brunswick
<a href="#">OIC2022-324E</a>	Regional Health Authorities Act	Health
<a href="#">OIC2023-094E</a>	Regional Health Authorities Act	Health
<a href="#">OIC2025-182E</a>	Regional Health Authorities Act	Health

[Close](#)

Text of the regulations approved by Orders in Council can also be accessed at the [links's printer](#).

The Orders in Council (OIC) documents available through this website are provided for information purposes only and should not be considered official.

To obtain certified copies of Orders in Council or previous Orders in Council:

Contact us directly at:  
 Email: [eco-bce@gnb.ca](mailto:eco-bce@gnb.ca)

Phone: 506-444-4417  
 Fax: 506-453-2266

## APPENDIX 4

### English and French notices to change search criteria

Décrets en conseil - Résultats de la recherche

Aucun document n'a été trouvé. Veuillez modifier les critères de recherche.

### Décrets en conseil

Le présent site Web est un service offert par le Bureau du Conseil exécutif du Nouveau-Brunswick. Vous pouvez chercher un décret en conseil à partir des critères suivants :

\*Veuillez prendre note que les décrets en conseil antérieurs à 2011 se trouvent dans les Archives provinciales du Nouveau-Brunswick.

Si vous relevez des incohérences ou si vous avez des doutes quant à l'exactitude ou l'exhaustivité de l'information fournie, écrivez-nous à l'adresse courriel [eco-bce@gnb.ca](mailto:eco-bce@gnb.ca)

Numéro de décret en conseil :

- Pour faire une recherche approximative, utilisez l'astérisque (\*) dans le champ du numéro de décret en conseil.

(p. ex. : 2019-\*)

Orders In Council - Search Results

No documents found. Please change search criteria.

### Orders In Council

This website is a service provided by the New Brunswick Executive Council Office. You can search for an Order in Council using any of the criteria below.

\*Please note that Orders in Council dated prior to 2011 can be found at the New Brunswick Provincial Archives.

Should you identify any inconsistencies or have any concerns regarding the accuracy or completeness of the information provided, you are encouraged to communicate with us at [eco-bce@gnb.ca](mailto:eco-bce@gnb.ca)

Order In Council Number:

-Use \* to do a wildcard search in the Order In Council Number field.


# APPENDIX 5

## Title of OIC2011-111F in English only

Décrets en conseil - Résultats de la recherche

OIC	Loi :	Ministère :
<a href="#">OIC2011-111F</a>	Loi sur les régions régionales de la santé	Santé
<a href="#">OIC2011-139F</a>	Loi sur les régions régionales de la santé, Loi sur le Conseil exécutif	Santé, Bureau du Conseil exécutif
<a href="#">OIC2011-022F</a>	Loi sur les régions régionales de la santé	Santé
<a href="#">OIC2011-201F</a>	Loi sur les régions régionales de la santé, Loi d'interprétation	Santé
<a href="#">OIC2011-219F</a>	Loi sur les régions régionales de la santé	Santé
<a href="#">OIC2011-202F</a>	Loi d'interprétation; Loi sur les régions régionales de la santé	Santé
<a href="#">OIC2011-279F</a>	Loi sur les régions régionales de la santé, Loi d'interprétation	Santé
<a href="#">OIC2012-032F</a>	Loi sur les régions régionales de la santé	Santé
<a href="#">OIC2012-033F</a>	Loi sur les régions régionales de la santé	Santé
<a href="#">OIC2012-353F</a>	Loi sur les régions régionales de la santé	Santé
<a href="#">OIC2014-370F</a>	Loi sur les régions régionales de la santé	Environnement et Gouvernements locaux
<a href="#">OIC2014-371F</a>	Loi sur les régions régionales de la santé	Environnement et Gouvernements locaux
<a href="#">OIC2015-122F</a>	Loi sur les régions régionales de la santé	Environnement et Gouvernements locaux
<a href="#">OIC2015-123F</a>	Loi sur les régions régionales de la santé	Environnement et Gouvernements locaux
<a href="#">OIC2016-003F</a>	Loi sur les élections municipales; Loi sur l'éducation; Loi sur les régions régionales de la santé	Élections Nouveau-Brunswick
<a href="#">OIC2016-046F</a>	Loi sur les régions régionales de la santé	Santé
<a href="#">OIC2016-089F</a>	Loi sur les régions régionales de la santé	Santé
<a href="#">OIC2016-090F</a>	Loi sur les régions régionales de la santé	Santé
<a href="#">OIC2017-078F</a>	Loi sur les régions régionales de la santé	Santé
<a href="#">OIC2018-113F</a>	Loi sur les régions régionales de la santé	Environnement et Gouvernements locaux
<a href="#">OIC2019-099F</a>	Loi sur les régions régionales de la santé	Environnement et Gouvernements locaux
<a href="#">OIC2020-228F</a>	Loi sur l'éducation; Loi sur les élections municipales; Loi sur les régions régionales de la santé	Élections Nouveau-Brunswick
<a href="#">OIC2022-324F</a>	Loi sur les régions régionales de la santé	Santé
<a href="#">OIC2023-094F</a>	Loi sur les régions régionales de la santé	Santé
<a href="#">OIC2025-182F</a>	Loi sur les régions régionales de la santé	Santé

[Fermer](#)

 \_Appointment of a member and chairperson of the Regional Health Authority B (Horizon Health Network).PDF\_ (6).pdf  
57.9 KB • Done

Il est également possible de se procurer le texte des règlements approuvés par décrets en conseil auprès de [l'imprimeur du Roi](#).