



NORTHWEST TERRITORIES LEGISLATIVE ASSEMBLY

2nd Session

Day (%)

12th Assembly

HANSARD

A CB85M JUNE &-, 1992

Pages , \$)!, (&
Pagination reflects print edition

The Honourable Michael Ballantyne, Speaker

MONDAY, JUNE 29, 1992

Pages 805 -842

MEMBERS PRESENT: Hon. Titus Allooloo, Mr. Antoine, Mr. Arngna'naaq, Hon. James Arvaluk, Hon. Michael Ballantyne, Mr. Bernhardt, Mr. Dent, Mr. Gargan, Mr. Koe, Mr. Lewis, Mrs. Marie-Jewell, Ms. Mike, Mr. Nerysoo, Mr. Ningark, Hon. Dennis Patterson, Hon. John Pollard, Mr. Pudlat, Mr. Pudluk, Hon. Tony Whitford, Mr. Zoe

ITEM 1: PRAYER

--- Prayer

SPEAKER (Hon. Michael Ballantyne): Good afternoon. Before we proceed with Ministers' statements, I would like to give two rulings that came from last week's Assembly meetings.

Speaker's Ruling

On June 25, on page 2756 of the unedited transcript, the Minister of Education, under the item "Returns to Oral Questions" provided what he stated was a further return to Question O579-12(2). In making his return, the Minister of Education indicated that he had another return, and I quote, "Mr. Speaker, I have another return, which is somewhat unusual," and then proceeded to give his return. I indicated after the return was concluded that this concept of a further return was something not addressed by the rules.

In reviewing the original question, which was asked by Mr. Arvaluk on June 19, the Minister of Education did answer the question, and in his response indicated the following, and I quote, "I will get back to the Member with detailed information as to how the assessment is being conducted." I am aware that the past practice of some Ministers is to give a partial answer to a question and offer to provide further information. This has been done in two ways: by a return to oral question and by letter directly to the Member concerned. The problem that arises is that the official House records indicate that the question has been answered, as the Minister did not take it as notice. Taking a question as notice indicates that the Minister will provide a return at a later date.

I do not wish to curtail the flow of information, but would like the official records of the House to reflect the disposition of an oral question. The concept of a further return to an oral question should be addressed, so I would like to inform the House that I have referred this matter to the standing committee

on rules, procedures and privileges to consider while they are undertaking their comprehensive review.

Speaker's Ruling

I have a second ruling. The honourable Member for Thebacha, Mrs. Marie-Jewell, raised a point of order on June 26 and it is contained on page 2879 of the unedited transcript. The Member, Mrs. Marie-Jewell, indicated she was not challenging the decision made earlier by the Deputy Speaker, but was seeking clarification from the Minister of Education during question period.

In reviewing the transcripts that lead up to the Deputy Speaker indicating that the matter was sub judice -- that means a matter that is before the courts -- the honourable Member's questions prior to the Chair's remarks on sub judice were in order. The questions did not become out of order when the Member for Thebacha had determined from the Minister of Education that, in fact, the matter was under appeal. It was at that point the Chair did indicate that any further questions directly related to the court case would be out of order.

Therefore, the Chair acted at the precise moment the House was advised that the matter was under appeal, thus ruling out any further questions. I find that the Member for Thebacha did not have a point of order, and, in fact, it was Mrs. Marie Jewell's questions that assisted the Chair in ruling on sub judice. I note that at that point, no further directly-related questions on the court case were posed. Thank you.

We can now move to orders of the day for Monday, June 29, 1992. Item 2, Ministers' statements. Mr. Pollard.

ITEM 2: MINISTERS' STATEMENTS

Ministers' Statement 81-12(2): Ministers' Absence From The House

HON. JOHN POLLARD: Thank you, Mr. Speaker. Mr. Speaker, the Hon. Nellie Cournoyea and the Hon. Stephen Kakfwi will be absent from the House today to attend constitutional meetings in Ottawa. The Hon. Don Morin will be absent from the House today to attend meetings in Toronto with federal and provincial Ministers of Housing. Thank you, Mr. Speaker.

MR. SPEAKER: Ministers' statements. Ministers' statements. Item 3, Members' statements. Members' statements. Mr. Dent.

ITEM 3: MEMBERS' STATEMENTS

Member's Statement Re Yellowknife Air Cadets Squadron 825 Acquisition Bid For DHC3 Otter

MR. DENT: Thank you, Mr. Speaker. I would like to take this opportunity to express my support for the Yellowknife Air Cadets Squadron 825 in their efforts to acquire a surplus aircraft through the federal government. The particular plane, an RCMP DHC3 Otter, was the last one to serve in the North.

Mr. Speaker, I myself obtained a pilot's licence through the air cadets and thus realize the importance of this acquisition to Squadron 825. The aircraft will be used by the air cadets primarily for the purposes of flight and maintenance training. The air cadets squadron will have care, custody and control of the aircraft, and will maintain it at no extra cost to the community. If the acquisition is a successful one, the NWT Sport Parachuting Association and the Civilian Air Search and Rescue Association will also benefit from, and enjoy use of, this aircraft.

Mr. Speaker, local organizations like Air Squadron 825, the NWT Sport Parachuting Association and the Civilian Air Search and Rescue Association are involved in introducing new members to flight training and increasing the level of skill development among their current members. These local groups are in need of greater accessibility to aircraft in order to fulfill the mandate of their organizations. The acquisition of this aircraft will go a long way toward serving their training needs. Presently the Government of the Northwest Territories, through the Department of Education, is placing an intergovernmental bid for the aircraft with the federal ministry of Supply and Services. Financing of this aircraft will be raised partially by the sale of a painting of the RCMP Otter, which is now being completed. Limited edition prints of this painting will also help to raise money within the community.

Page 806

This RCMP Otter is the last one to be retired and spent much of its service time in the North. It is fitting then, Mr. Speaker, that our local air cadets should be the beneficiaries of this surplus aircraft. Appropriately, Squadron 825 has also announced that the aircraft will be donated to the aviation gallery at the Prince of Wales Northern Heritage Centre when it is no longer airworthy.

Mr. Speaker, I believe that the acquisition of the RCMP Otter will be of great benefit to Air Cadet Squadron 825 and other local organizations. I sincerely hope that the air cadets, with the support of the Department of Education, are successful in their acquisition bid for the aircraft. Thank you.

MR. SPEAKER: Members' statements. Ms. Mike.

Member's Statement On Mrs. Samuni Kanayuk

MS. MIKE: Thank you, Mr. Speaker. The history books record that Canada's sovereignty over the Eastern Arctic was established by the early efforts of churchmen and federal officials who were commissioned to travel into the North in the early 1900s. Names like Dr. Robert Bell, Reverend E.J. Peck and Dr. Leslie Livingstone have been remembered as the expeditionaries who strengthened Canada's Arctic claim.

The history books, Mr. Speaker, have conveniently overlooked the fact that these early travellers relied on the knowledge and good will of the Inuit throughout the region. Without the guides who cared for them on the land, these early heroes of Canadian exploration would never have been able to survive.

Mr. Speaker, tomorrow, an elder in my constituency, Mrs. Samuni Kanayuk, is celebrating her 100th birthday. As I spoke with her during my last visit to Broughton Island, I realized the important role that she and so many aboriginal people of her generation played in making the North a part of Canada.

Throughout the 1920s, Mrs. Kanayuk and her first husband, Ugyualuk, served as guides for Dr. Livingstone's expeditions throughout the South Baffin. She also accompanied Maurice Haycock and Dr. Ludlow Weeks, who attempted to map Cumberland Sound and Nettilling Lake. In fact, it was the Inuit guides who tended to Dr. Weeks and brought him in off the land after a jammed rifle exploded and severed his arm from his shoulder. Livingstone, Weeks, Haycock, Reverend Peck and the rest never would have succeeded in this quest, Mr. Speaker, without the assistance of Mrs. Kanayuk and other Inuit guides.

As we prepare to celebrate Canada's 125th birthday later this week, Mr. Speaker, I hope all Northerners will take just a moment to think of elders like Samuni Kanayuk whose contribution has meant so much to our northern homeland. Thank you, Mr. Speaker.

MR. SPEAKER: I would like to take this opportunity, on behalf of the Assembly, to welcome the chairperson of the Science Institute, the chairperson Legislative Assembly Building Society, and a former colleague, the former Commissioner of the Northwest Territories, Mr. John Parker.

--- Applause

Members' statements. Mr. Nerysoo.

**Member's Statement In Support Of
Mrs. Marie- Jewell**

MR. NERYSOO: Thank you, Mr. Speaker. I had not considered taking time today to give a Member's statement, but I must rise, I think, to give defence to some of my colleagues. In particular, I want to make a statement about my support for the chairman of ajauqtit or the ordinary Members' committee, Jeannie Marie-Jewell. I think there is a great deal of criticism that has been directed toward her in her efforts in this Assembly. A great deal of those efforts were a result of decisions that were made by the ordinary Members' committee, not decisions that were made by herself or without consultation with her colleagues. I think it is really unfair of the media, and maybe people like Mr. Sigvaldason, who is the publisher, should find out whether or not he has qualified people that are writing for him or other papers, because I really think the kinds of comments that have been made are unfair.

More importantly, let me quote from a newspaper, Nunatsiaq News, where it says, "Cabinet jobs went to those deemed to be the best and the brightest and the ones with honesty, integrity and brains." Now the question is, is that really the case? People talk about accountability of our government, and I think that when we see our communities not receiving some of the benefits that most people take for granted, then it is in the interests of Members on this side of the House to make people in cabinet accountable for their decisions and for the policies, and programs and services that they are offering to the people of the Northwest Territories.

I think it is really unfair that the media should take their efforts to only point out that there is one Member here who is trying to make this government accountable. That is simply not true, and I think it is unfair, so I wanted to get up after being absent for a week to defend my colleague because I think the media should get their facts straight and got their information to the people of the Northwest Territories correct so that people will understand the reasons

why positions and decisions are being made the way they are in this Assembly.

--- Applause

MR. SPEAKER: Members' statements. Mr. Koe.

**Member's Statement On Slow Pitch
Ball Tournament**

MR. KOE: Thank you, Mr. Speaker. On Saturday, June 27, the Legislative Assembly Sharks, a group of athletic MLAs, staff and family members, participated in the second annual Curley Cup slow pitch ball tournament. This prestigious tournament put the Sharks up against teams made up of media personnel. There were five teams of media dignitaries from newspapers, radio and TV. As usual, the Legislative Assembly Sharks showed their sportsmanship, sense of fair play, respect and gratitude toward the media by being hospitable guests and letting them win, but not without a fight

---Laughter

The six teams competing were divided into an A and B pool. The Sharks were thrown into the scrum with teams from CBC TV and CBC Radio. The Sharks demonstrated their superiority in game one and destroyed the CBC Radio team by a score of 12 to five. I am sure this loss totally deflated the team because they went into the next game with no confidence and got wiped out by the TV crew.

---Laughter

In game two the Sharks played the CBC TV All Stars, and the TV crew showed that they meant business when they put out the first three Sharks sluggers. It was all downhill from there, and the Sharks lost this epic battle eight to six.

Page 807

The TV crew had a little help from the umpires from Northern News Services who had trouble interpreting and exercising the rules. I am sure their judgment was affected by the hot sun and the few bugs.

By winning one game, the Sharks advanced to the semi-finals and played the first place team from pool A. Unfortunately for us, this was a team from Northern News Services. After a quick caucus meeting, the Sharks decided that discretion was a better part of valour, and to ensure some good future press, the Sharks decided to take it easy and lost 12 to nine.

---Laughter

In any group performance, there are participants who deserve mention, not all "honourable." Before the games started, the Sharks team was in...

MR. SPEAKER: Mr. Koe, your allotted time has expired.

MR. KOE: Mr. Speaker, I seek unanimous consent to conclude my statement.

MR. SPEAKER: The honourable Member is seeking unanimous consent. Are there any nays? There are no nays. Proceed, Mr. Koe.

MR. KOE: Thank you, Mr. Speaker. Before the games started the Sharks team was in total disarray. People were looking for gloves, wondering what a bat or a ball was and questioning why everyone was scurrying around the ball field. It was not until Members from OMC called a caucus meeting that some semblance of order happened. By going through the agenda, we found out how many players we had, who played what position, and what hand the glove fit on. With this information, we ventured forth into the fray.

The Sharks most outstanding player had to be Ernie "Speedy" Bernhardt who covered the outfield like a barrenland caribou. Any ball hit by the opposition in Ernie's direction, if it did not fall into the water puddles, was caught by him. Ernie was also our most productive run producer by scoring four times.

The Sharks best hitter was Mike "the slugger" Ballantyne, who batted an astounding 1000, six hits and six at bat. He also patrolled first base and fell in the mud only once when he attempted a diving catch and missed.

Honourable mentions also have to go to Rassi Nashalik, our interpreter, who was able to decipher the opposing better skills and did a fine job for the Sharks on the pitching mound. Hon. Titus Allooloo, tried out for this position but because of poor delivery techniques, was demoted to the outfield and catcher.

---Laughter

On the other end of the scale for performances unworthy of mention was Titus's attempts at batting; in six at bat he was put out six times.

---Laughter

Also, our newest Minister, James Arvaluk, struck out two times and three at bats. He will have to watch because it is that third strike that hurts.

---Laughter

Once Becky and Sam decided on which hand the glove fit, they filled the spaces on the field. They better stick to politics.

---Laughter

Tony Whitford, Jim Antoine and yours truly, played steady ball all day and were the backbones of the team.

---Laughter

Our best cheerleaders were Ludy Pudluk and Kenoayoak Pudlat.

All in all it was a fun day, and honourable mention goes to the media teams for organizing this event. By the way, if anybody cares, the CBC TV team won, and they got the joyous task of organizing next year's tournament. Qujannamiik. Mahsi.

--- Applause

MR. SPEAKER: If Members will note, that statement is an example of a statement important enough that I think the rules can be bent to accommodate a statement such as that.

--- Laughter

Members' statements. Mr. Bernhardt.

Member's Statement On Construction Contracts For Kitikmeot

MR. BERNHARDT: Thank you, Mr. Speaker. I rise today because I am thoroughly frustrated and dismayed with this government. Not only have the infrastructure needs of the Kitikmeot been overlooked in the Government Leader's New Directions initiative, but now contracts that should have come to local firms in my constituency have gone to companies from outside our region. I am speaking about a contract which was awarded to a Yellowknife firm for the building of the extension of the health centre in Coppermine. I am also aware that a contract for the extension of the school facilities went to a Yellowknife firm as well.

Mr. Speaker, this is despite the fact that there is a well respected and dependable company in Coppermine that has over 10 years of experience and a record of 80 per cent northern hiring in Coppermine. These decisions fly in the face of all the economic development strategies that this and the previous governments have brought forward. This government may speak nobly about now directions and about reshaping northern government. I am quickly coming to learn that this is just a lot of talk. I am quickly losing confidence with the sort of decision-making that we are seeing today, and I would like to point out they should do away with this old boys' club that the previous government had, and let us start treating everybody in the Territories more humanly. Thank you.

MR. SPEAKER: Members' statements. Mr. Gargan.

Member's Statement On School Achievement Indicators Program

MR. GARGAN: Thank you, Mr. Speaker. I rise today to comment on the school achievement indicators program, a project of the Canadian Council of Ministers of Education. The project is aimed at finding out how well educational systems across the country are doing with respect to the academic training of our youth. Annual reports will be issued to show the participation rates, retention rates, and, perhaps most important graduation rates of students in the various jurisdictions.

Page 808

Mr. Speaker, I am also pleased to note that the program will not stop there. A second group of indicators will provide information about the literacy levels and mathematical skills of students at the ages of 13 to 16, and will involve testing students from most provinces and both territories on a wide range of skills from basic knowledge to critical thinking. Each year we will be able to see how well Northwest Territories students compare with those in other jurisdictions in reading, writing and arithmetic, and we will also be able to find out the extent to which achievement levels increase between the ages of 13 to 16.

Mr. Speaker, during my nine years as a Member of this House I have repeatedly heard that we need to devote all sorts of funds to the recruitment, housing, benefits and salaries of southern-trained teachers. I have heard that this is especially critical to ensure adequate education at the high school level. With the

CCME school achievement indicator program, I believe we will be able to see whether we have been getting our money's worth, whether our current approach to education is working, or whether we need changes. Thank you, Mr. Speaker.

MR. SPEAKER: Members' statements. Mr. Pudlat.

Member's Statement On Upgrading Of Graveyard

MR. PUDLAT: (Translation) Thank you, Mr. Speaker. My statement is regarding MACA. The graves that are down south are very close to a private home. The most recent ones are further up the hill. The ones that are close to the community, during 1980 there were markers to the graves; however, some have been disturbed, and some of the signs were removed because sometimes there were children that would go to the graves and disturb the graveyard and the signs. I would like to make a statement to the Minister of MACA. The community is asking for funding to upgrade the graves as well as the graveyard. We have forgotten the names of the people who are buried because the signs have been removed. We will be asking for funding. Thank you, Mr. Speaker.

MR. SPEAKER: Members' statements. Item 4, returns to oral questions. Mr. Alloo.oo.

ITEM 4: RETURNS TO ORAL QUESTIONS

Further Return To Question O675-12(2): Status Of Ice Crossing Between Hay River And Reserve

HON. TITUS ALLOOLOO: Thank you, Mr. Speaker. I have a return to an oral question asked by Mr. Gargan on the Hay River ice crossing. The winter ice crossing between the Hay River Reserve and the town of Hay River would qualify as a highway under the definition in the Motor Vehicles Act as it is used regularly by members of the public. However, it is not included in the schedule to the Public Highways Act, as it is not a federal or territorial responsibility, being a road developed entirely within the boundaries of the reserve and the town of Hay River. It does not cross any land which is the responsibility of the GNWT, but rather is considered a community responsibility. The Department of Transportation has never made any contribution toward the construction and maintenance of this ice bridge. However, as I indicated earlier, I am prepared to have the department convene a meeting with the band council and the town council to see if some mutually satisfactory arrangement can be made with regard to this community road.

Further Return To Question O667-12(2): Elizabeth Ward School Average

I have another return to a question asked by Mr. Gargan on June 26, 1992. The average promotion rate for Elizabeth

Ward School in Fort Providence was 57 per cent in 1987-88, 72 per cent in 1988-89, and 81 per cent in 1989-90. In 1990-91, the average promotion rate for the school was 69 per cent

A detailed table has been provided to the Member for Deh Cho. Further information on the average progress of students at the school or the progress of individual students, can be obtained from the principal or director of the Deh Cho Divisional Board of Education.

Further Return To Question O685-12(2): Policing And Clean-up Of Fort Providence Access Road

I have a return to a question asked by Mr. Gargan on June 26th. In the spring of each year when the ice goes out of the Mackenzie River, a number of tourists come to the NWT to fish. One of the favourite locations is in the north access road to the Mackenzie River ice bridge. Mr. Gargan has asked whether the Department of Transportation will take responsibility for maintaining this unofficial park and campground.

I am pleased to advise the Member that the department, in cooperation with the Fort Providence community council, has been providing a maintenance and clean-up service along this section of the highway. Barrels will be placed along the road, if required. In the meantime, the situation is being monitored on a regular basis to ensure that the amenity of the area is maintained.

Further Return To Question O683-12(2): Interest Group Involvement In Tri-Ministerial Group Of Health, Social Services And Education

I have a further return to a question asked by Mr. Antoine on June 26, 1992. The tri-ministry committee, which is examining services to children, is in the process of collecting data from a variety of sources including schools, boards and divisional boards of education, and professionals such as audiologists and special interest groups. In particular, the committee is looking at the numbers of children who need services, what services they need and how many need multiple services.

The committee is identifying the specific services provided by Education, Health and Social Services, and is collecting existing studies and reports on services provided to children. It is also conducting research on models of collaborative services provided elsewhere in North America.

In addition to collecting written information, the tri-ministry committee has met with a number of individuals involved in providing services. The committee will continue to meet, collect and assess information on services to children this summer. It will report back to the three departments in the fall on the results of the data collection phase of its work, and make recommendations for the next phase of this comprehensive study on services to children at that time.

MR. SPEAKER: Returns to oral questions. Item 5, oral questions.

ITEM 5: ORAL QUESTIONS

Question O688-12(2): Contracting Electrical Inspectors

MRS. MARIE-JEWELL: Thank you, Mr. Speaker. I would like to pose a question to the Minister of Safety and Public Services. The week before, I asked the Minister whether he would consider contracting or utilizing electrical inspector services through a contracting process. At the time, the Minister indicated it was a good idea; however, he would have to review the circumstances. I would like to ask the Minister if he has reviewed my idea and whether or not he has come to a decision.

Page 809

MR. SPEAKER: Mr. Patterson.

Return To Question O688-12(2): Contracting Electrical Inspectors

HON. DENNIS PATTERSON: Mr. Speaker, I regret to inform the Member that I have not yet had a chance to discuss that idea with my department. They are pretty preoccupied with the Royal Oak mine situation at the moment, but I will do so as soon as I can. Thank you.

MR. SPEAKER: Oral questions. Supplementary, Mrs. Marie Jewell.

Supplementary To Question O688-12(2): Contracting Electrical Inspectors

MRS. MARIE-JEWELL: Thank you, Mr. Speaker. I recognize the importance of his department addressing the Royal Oak mine situation, but at the same time, there are many of my constituents in the construction business that are being held back dollars because of a lack of electrical inspector services. Therefore, I would like to ask the Minister if he can review the situation, make a decision as quickly as possible and advise me of his decision accordingly. Thank you.

MR. SPEAKER: Mr. Patterson.

Further Return To Question O688-12(2): Contracting Electrical Inspectors

HON. DENNIS PATTERSON: Yes, bearing in mind that the construction season is now under way, Mr. Speaker, I will give that matter priority, as the Member is requesting. Thank you.

MR. SPEAKER: Oral questions. Mr. Nerysoo.

Question O689-12(2): Review Re Hiring Southern Summer Students

MR. NERYSOO: Thank you, Mr. Speaker. I realize that the Minister of Personnel is absent today; however, I will direct my question to the acting Minister, or maybe I should direct it to Mr. Pollard. On the information that we have received, about five per cent of the Government of the Northwest Territories hired summer student contingent comprises southern students. I wonder if the government could undertake a review, or study the circumstances under which these students are hired, to ensure that no suitable candidates that had a higher priority had applied.

MR. SPEAKER: Mr. Pollard.

Return To Question O689-12(2): Review Re Hiring Southern Summer Students

HON. JOHN POLLARD: Yes, Mr. Speaker. Thank you.

MR. SPEAKER: Oral questions. Oral questions. Mrs. Marie Jewell.

Question O690-12(2): Release Of Amounts Bid On Catering Contract, Thebacha Campus

MRS. MARIE-JEWELL: Thank you, Mr. Speaker. I have a question for the Minister of Finance. Mr. Speaker, I asked the Minister of Finance with respect to clarification on releasing the amount of bid prices

for the Thebacha campus catering contract. As I stated on Friday, I appreciated his openness in indicating that an error was made on the tender opening, and that the amounts of the tenders were not announced. I would like to ask the Minister of Finance, if he would be able to advise this House, or the public, the bid amounts that were tendered. Thank you.

MR. SPEAKER: I am not sure. I understand that this might be before the courts, but I am not aware of that. With that in mind, Mr. Pollard.

Return To Question O690-12(2): Release Of Amounts Bid On Catering Contract, Thebacha Campus

HON. JOHN POLLARD: Thank you, Mr. Speaker. Mr. Speaker, there were four people who tendered. The first company was 862116 NWT Limited of Fort Smith. They bid nothing on the basic monthly charge for the first or the second year. On breakfast charges, they bid \$3.65 in the first year and \$3.95 in the second year; their lunch charge was \$7.60 in the first year and \$7.65 in the second year; and their dinner charge was \$7.60 in the first year and \$7.65 per meat in the second year.

The second company, Mr. Speaker, was Territorial Catering Limited of Yellowknife. They had a basic monthly charge of \$17,070 in the first year and \$18,145 in the second year. Their breakfast charge in the first year was \$3.75 and in the second year, four dollars; their lunch charge in the first year was \$6.75 and in the second year \$7.20; their dinner charge was six dollars in the first year and \$6.40 in the second year.

The third company to tender, Mr. Speaker, was Busy Bee Enterprises of Fort Smith. Their basic monthly charge in the first and second year was \$4000. Their breakfast charge in the first and second year was three dollars; their lunch charge in the first and second year was \$7.25; and their dinner charge in the first and second year was \$5.75.

Martselos Services was the last tenderer, and they are from Fort Smith, Mr. Speaker. They had a basic monthly charge in the first and the second year of \$20,000. They had a breakfast charge in the first and second year of two dollars; a lunch charge in the first year of eight dollars, and the same in the second year; and their dinner charge was four dollars in the first year and four dollars in the second year. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you. I want to say to the House that I thought Mrs. Marie-Jewell was talking about a different contract. In future, unless I specifically know it is in the records of the House, I will not comment on whether or not it is before the courts. It will be up to the Minister to inform the House as to whether anything is before the courts. I am sorry about that Supplementary, Mrs. Marie-Jewell.

Supplementary To Question O690-12(2): Release Of Amounts Bid On Catering Contract, Thebacha Campus

MRS. MARIE-JEWELL: Thank you, Mr. Speaker. I thank the Minister for advising the public as to the amounts bid. I would like to ask the Minister if he is aware of when the tender will be awarded.

MR. SPEAKER: Mr. Pollard.

Further Return To Question O690-12(2): Release Of Amounts Bid On Catering Contract, Thebacha Campus

HON. JOHN POLLARD: I anticipate it being awarded within the next 10 days, Mr. Speaker.

Page 810

MR. SPEAKER: Ms. Mike.

Question O691-12(2): Educational Memorandum Of Agreement With Alberta

MS. MIKE: Thank you, Mr. Speaker. My question is to the Minister of Education. I noted the announcement that the Minister recently renewed the memorandum of understanding with the Province of Alberta which sets out the services which each jurisdiction will provide to students in the NWT. Can the Minister advise the House whether the curricula used in any other provinces were considered prior to the finalization of this agreement?

MR. SPEAKER: Mr. Alloo.oo.

Return To Question O691-12(2): Educational Memorandum Of Agreement With Alberta

HON. TITUS ALLOOLOO: Thank you, Mr. Speaker. Yes.

MR. SPEAKER: Supplementary, Ms. Mike.

Supplementary To Question O691-12(2): Educational Memorandum Of Agreement With Alberta

MS. MIKE: Recognizing that the learning style of aboriginal students across the NWT is based on cultural experiences different from the majority of Alberta students, what has the department done to evaluate whether or not the framework of the Alberta curricula is the most suitable for teaching our students?

MR. SPEAKER: Mr. Alloo.oo.

Further Return To Question O691-12(2): Educational Memorandum Of Agreement With Alberta

HON. TITUS ALLOOLOO: Thank you, Mr. Speaker. We have a number of courses that are available just for the NWT students. We have what is called a northern portion in our curricula to educate kids in the NWT. We have curricula development officers who are developing curriculum in native languages and the schools offer, depending on where they are and depending on what regions they are from and what languages, they have certain programs that are unique to individual regions. Thank you.

MR. SPEAKER: Ms. Mike, supplementary.

Supplementary To Question O691-12(2): Educational Memorandum Of Agreement With Alberta

MS. MIKE: I have an example for the Minister. In the Alberta grade 12 English curriculum, considerable emphasis is put on peer evaluation where students are given responsibility to grade each other's work. However, many aboriginal students are encouraged in their home to be non-judgmental of others. In some schools, aboriginal students form a minority in the class and are subject to certain biases from the other students. What authority does our Department of Education have under the memorandum of understanding to vary the curricula so that we keep the same basic content, but vary the teaching standards so that they are more culturally appropriate?

MR. SPEAKER: Mr. Alloo.oo.

Further Return To Question O691-12(2): Educational Memorandum Of Agreement With Alberta

HON. TITUS ALLOOLOO: Thank you, Mr. Speaker. The department, along with the educational divisional boards of the regions, has full authority to develop curricula throughout the NWT. As we are developing our curriculum in the NWT in teaching our children, and also since we do not have fully developed curricula yet to teach kindergarten to grade 12 in the

NWT, we are using the Alberta system while we are developing our curricula. Thank you.

MR. SPEAKER: Ms. Mike, your last supplementary.

Supplementary To Question O691-12(2): Educational Memorandum Of Agreement With Alberta

MS. MIKE: Thank you, Mr. Speaker. Earlier, my honourable colleague for Deh Cho commented on CCME achievement indicator program. Will the Minister make a commitment to review the adequacy of the Alberta curriculum in meeting the needs of NWT students after the results of educational standard testing have been released?

MR. SPEAKER: Mr. Alloo.oo.

Further Return To Question O691-12(2): Educational Memorandum Of Agreement With Alberta

HON. TITUS ALLOOLOO: Thank you, Mr. Speaker. The school achievement indicators program. The NWT was requested to pilot the tests in general school settings. The pilots are taking place in Yellowknife, Inuvik and the Keewatin. The first round of testing will be held in the spring of 1993, with the reports of results in the fall of 1993.

MR. SPEAKER: Mr. Nerysoo.

Question O692-12(2): Portfolios Assigned To Mr. Arvaluk

MR. NERYSOO: Mr. Speaker, I would like to ask my colleague, Mr. Arvaluk, to indicate to me which portfolios he holds at the moment?

MR. SPEAKER: Mr. Arvaluk.

Return To Question O692-12(2): Portfolios Assigned To Mr. Arvaluk

HON. JAMES ARVALUK: Thank you, Mr. Speaker. None at the moment.

MR. SPEAKER: Minister without portfolio for the time being. Oral questions. Mrs. Marie-Jewell.

Question O693-12(2): Purpose Of Liquor Licence Fees

MRS. MARIE-JEWELL: Mr. Speaker, I would like to pose a question to the Minister of Government Services. I believe the acting Minister of Government Services is absent, but whoever is acting leader or is

taking his responsibilities may attempt to answer my question.

Mr. Speaker, there has been some questioning with respect to the annual operating costs and the liquor tax revenue of the Liquor Licensing Board that the Department of Government Services has imposed. It is an increase of a five per cent fee to a 10 per cent fee, and this fee, as the Minister had stated, is not a tax fee, but rather a licence fee collecting from licences. When one of my colleagues had asked what the purpose of it was, he basically indicated that it was a licence fee collected from licences, with no specific purpose.

Mr. Speaker, the question I want to pose is that the fees imposed on licences now in the Territories total to the amount of \$486,000 in generated revenue. However, the expenditures to ensure that these fees are operable come to a total amount of \$458,000, so the government still receives more money than it costs to administrate. I would like to ask the Minister, what is the purpose of this licence fee imposed to retailers in the Territories?

Page 811

MR. SPEAKER: Mr. Pollard.

HON. JOHN POLLARD: Mr. Speaker, I will take the question as notice. Thank you.

MR. SPEAKER: The question has been taken as notice. Oral questions. Mr. Pudlat.

Question O694-12(2): Funding To Repair Grave Site In Lake Harbour

MR. PUDLAT: (Translation) Thank you, Mr. Speaker. This is in regard to what I stated a while ago. I would like to ask the Minister of MACA in regard to the funding that the people of Lake Harbour requested to renovate the grave site. I wonder if the Minister could think about giving us funding, and find out how much it would cost to repair the grave site in Lake Harbour. Thank you.

MR. SPEAKER: Mr. Minister.

Return To Question O694-12(2): Funding To Repair Grave Site In Lake Harbour

HON. DENNIS PATTERSON: Yes, Mr. Speaker, I would be glad to do so.

MR. SPEAKER: Oral questions. Ms. Mike.

**Question O695-12(2): Contract For Marine Fishery
Advisor Services**

MS. MIKE: Mr. Speaker, honourable Members will recall that for the past several days I have been asking the Minister of Economic Development and Tourism a question about the Baffin fishery. I am certainly not happy with the sorts of answers I have been receiving, and I can assure the Minister that this issue is not about to go away.

Mr. Speaker, the Minister should know that a \$1,400 contract was signed between his department and Co-Pro Limited of Ottawa, to report on initiatives identified at the January 1991 Atlantic fisheries advisory committee meeting. One of the matters raised at this meeting was that the marine fisheries advisor should be retained to provide advice, regulatory and other factors impacting upon marine fisheries development in Baffin. Will the Minister confirm that in October 1991, an additional \$41,500 contract was given to Co-Pro Limited, the same consultant who did the advisory committee report, as a retainer for marine fishery advisor services?

MR. SPEAKER: Mr. Pollard.

Return To Question O695-12(2): Contract For Marine Fishery Advisor Services

HON. JOHN POLLARD: That is correct, Mr. Speaker. I believe it was under the economic development agreement subcommittee. Thank you, Mr. Speaker.

MR. SPEAKER: Supplementary, Ms. Mike.

Supplementary To Question O695-12(2): Contract For Marine Fishery Advisor Services

MS. MIKE: Thank you, Mr. Speaker. Honourable Members should be really interested in this next one. The Minister already knows that as the marine fishery advisor, Co-Pro Limited pushed for a study of vessel sourcing options related to the acquisition of reserves booked for exploratory fisheries off the Baffin coast. Will the Minister confirm that in February 1992, another \$19,510 was committed by way of a contract with Co-Pro Limited, the marine fishery advisor, to carry out the study of vessel sourcing options?

MR. SPEAKER: Mr. Pollard.

Further Return To Question O695-12(2): Contract For Marine Fishery Advisor Services

HON. JOHN POLLARD: I believe that to be true, Mr. Speaker. Yes.

MR. SPEAKER: Oral questions. Supplementary, Ms. Mike.

Supplementary To Question O695-12(2): Contract For Marine Fishery Advisor Services

MS. MIKE: Thank you, Mr. Speaker. Supplementary to the Minister of Economic Development and Tourism. There seems to be quite a pattern here whereby Co-Pro Limited of Ottawa becomes involved in recommending that certain work should be carried out and then receives a substantial contract to carry out the work. Will the Minister confirm that in the March 1992 report on vessel sourcing options, Co-Pro has again recommended that proposals be solicited through southern organization of insurable owners and operators?

MR. SPEAKER: Mr. Pollard.

Further Return To Question O695-12(2): Contract For Marine Fishery Advisor Services

HON. JOHN POLLARD: Mr. Speaker, they were looking for a vessel to do some exploratory work in the South Baffin, and none of the three vessels that are available or are physically present in Iqaluit, or the ones in Pangnirtung, are ruled out. So all the vessels in the NWT, in that particular area that could do that kind of work, were taken into consideration as well, Mr. Speaker.

MR. SPEAKER: Ms. Mike, last supplementary.

Supplementary To Question O695-12(2): Contract For Marine Fishery Advisor Services

MS. MIKE: What is the status of recommendations received in the Co-Pro report?

MR. SPEAKER: Mr. Pollard.

Further Return To Question O695-12(2): Contract For Marine Fishery Advisor Services

HON. JOHN POLLARD: Mr. Speaker, that vessel is being sourced under those recommendations at the present time.

MR. SPEAKER: Mrs. Marie-Jewell.

Question O696-12(2): Hiring Freeze

MRS. MARIE-JEWELL: Thank you, Mr. Speaker. I want to pose a question to the Minister of Personnel; however, I recognize he is not in the House. Last winter the government had initiated a hiring freeze, and there were many employees that were out on leave without pay or were considered priority because of layoff notices. Could an extension be considered for the time frame that this hiring freeze was imposed?

MR. SPEAKER: Mr. Pollard.

Return To Question O696-12(2): Hiring Freeze

Page 812

HON. JOHN POLLARD: Mr. Speaker, regarding the people who are on leave without pay, when they returned and said they were at the end of their leave, they would be given a job of equal stature to the one that they left. With regard to the second people who are perhaps in that layoff situation and would have priority for a period of time, we would certainly extend by the length of time that we had the hiring freeze on, their ability to get a job with this government. So we will extend, Mr. Speaker.

MR. SPEAKER: Supplementary, Mrs. Marie-Jewell.

Supplementary To Question O696-12(2): Hiring Freeze

MRS. MARIE-JEWELL: Why would the extension apply to the individuals that were given priority for layoff and not to individuals that were on leave without pay?

MR. SPEAKER: Mr. Pollard.

Further Return To Question O696-12(2): Hiring Freeze

HON. JOHN POLLARD: Mr. Speaker, as soon as those people who were on leave without pay come back to us they would be given a job regardless of whether or not the freeze was on. We had made an agreement with them to give them leave. They had agreed to have no pay for that particular time. When their leave expired, we would give them a job of equal stature.

MR. SPEAKER: Supplementary, Mrs. Marie-Jewell.

Supplementary To Question O696-12(2): Hiring Freeze

MRS. MARIE-JEWELL: Thank you, Mr. Speaker. Does this apply to individuals in respect to being granted a job, even though their positions were filled, that the government will make every effort to ensure that they are retained in a position?

MR. SPEAKER: Mr. Pollard.

Further Return To Question O696-12(2): Hiring Freeze

HON. JOHN POLLARD: If their old position was filled, then we would give them a position of equal level.

MR. SPEAKER: Mr. Dent.

Question O697-12(2): Liquor Licence Fee Increase

MR. DENT: Thank you, Mr. Speaker. On Friday, in response to a written question, the Hon. Don Morin advised me that the liquor fee increase was not a tax but, rather, part of the licence fee collected from licensees. I am having some trouble understanding this, so I thought I would ask the Minister of Finance to help me understand the difference between a licensee fee when it is not all required to pay for a service. In other words, it is generating extra funds for the consolidated revenue fund and tax. Can he explain to me the difference between those two things?

MR. SPEAKER: Mr. Pollard.

Return To Question O697-12(2): Liquor Licence Fee Increase

HON. JOHN POLLARD: Mr. Speaker, a licence fee would be a fee that would be charged to an individual for them to hold a licence to perform something in the NWT where the government had jurisdiction. That licence fee would only be charged to individuals or companies who had that privilege with this government.

A tax is a much broader thing, and it may effect a commodity such as gasoline. It may effect a certain group of people such as those people who are earning money, and that would be an income tax. So I would say that the difference would be that taxes are a much broader issue affecting commodities or the status of people who are working, whereas a fee, particularly in the case of a licence, would apply to a company or a person who had a privilege to do something where the government had jurisdiction.

MR. SPEAKER: Supplementary, Mr. Dent.

Supplementary To Question O697-12(2): Liquor Licence Fee Increase

MR. DENT: Thank you, Mr. Speaker. I would point out that when the government imposes a fee on gasoline it is called a tax. I would think that it would seem that, in this case, the object is to raise funds for the consolidated revenue fund. So would the Minister not admit that this is not just a licence fee; that it is a tax when we increase the rate from five per cent to 10 per cent?

MR. SPEAKER: Mr. Pollard.

Further Return To Question O697-12(2): Liquor Licence Fee Increase

HON. JOHN POLLARD: Mr. Speaker, the licence fee which used to be at five per cent, now at 10 per cent, is charged the amount of product that licensed premises would purchase from the GNWT in the way of liquor, beer, wines and other alcoholic beverages. That fee has traditionally been charged to those licensees because they are going to in turn, take that into their licensed premises and resell it. There was a certain overhead with regard to issuing those licences. There is a review each year of the companies' legal affairs, how much money it owes, whether or not it has been in trouble or whether or not it has changed anything in its building. There are a certain number of inspections that incur because of that licence by a licensed liquor inspector. There are other requirements by the government that have grown over the years. Now the Fire Marshal has a great deal of say in licensed premises, as does the health inspector, the electrical inspector and all those other inspectors that we have out there. So there is a cost to government for issuing those licences because the government then becomes responsible for the inspection of those premises. So I think that is where the licence fee came from, and I think the Minister has said that he has raised it because it has not been raised in the last 20 years.

MR. SPEAKER: Supplementary, Mr. Dent.

Supplementary To Question O697-12(2): Liquor Licence Fee Increase

MR. DENT: In his response to me on Friday, the Hon. Don Morin indicated that the five per cent fee was, in fact, more than covering the cost of providing government services in this field. Since those costs

are being covered, will the Minister of Finance agree that this five per cent increase was nothing more than a tax grab to increase the funds to the consolidated revenue fund?

MR. SPEAKER: The Member has essentially asked that question before, but it is a slightly different way. I will leave it up to the Minister to respond to it. Mr. Pollard.

Further Return To Question O697-12(2): Liquor Licence Fee Increase

HON. JOHN POLLARD: Mr. Speaker, I cannot speak for the Minister who is absent, but I will say that if the Member is asking my opinion in this regard, I personally welcome all the money that I can into the coffers.

---Laughter

Page 813

I think if you look at how much those licences cost us to administer, as to how much we garner back from those licensees, that it would be fairly close to being even when you take into consideration the other departments involved.

MR. SPEAKER: I would make it clear to all Members that Members do not ask Ministers opinions, and Ministers should respond with government policy, not with their opinion.

Mrs. Marie-Jewell.

Question O698-12(2): Provision Of Security Services To Royal Oak Mine

MRS. MARIE-JEWELL: I have a question for the Minister of Justice. Over the past month the Minister of Justice has requested, through the commissioner of the RCMP, to provide security services to Royal Oak mine. Recognizing this cost has become accumulated to well over two million dollars, and recognizing that we are quickly finishing the session up until the fall, I would like to know how long the Minister intends to request the services of the RCMP for Royal Oak mine? Thank you.

MR. SPEAKER: Mr. Patterson.

Return To Question O698-12(2): Provision Of Security Services To Royal Oak Mine

HON. DENNIS PATTERSON: Mr. Speaker, I have recently informed the Solicitor General for Canada, who is responsible for the RCMP federally, that in my view the requirement for the RCMP in connection with the Royal Oak labour situation is a requirement which flows from federal statutory responsibilities, and that, from the point of view of the Government of the Northwest Territories, there is no emergency existing in an area of territorial responsibility. I have, therefore informed the Solicitor General that it will be up to the federal government to determine whether RCMP emergency policing services continue to be required because of that situation and because of the federal jurisdiction. Thank you, Mr. Speaker.

MR. SPEAKER: Oral questions. Supplementary, Mrs. Marie Jewell.

Supplementary To Question O698-12(2): Provision Of Security Services To Royal Oak Mine

MRS. MARIE-JEWELL: Thank you, Mr. Speaker. I would like to ask the Minister of Justice whether or not, as of today, he has received confirmation from the federal government that they will absorb the expense that is accumulating to provide RCMP services for Royal Oak.

MR. SPEAKER: Mr. Patterson.

Further Return To Question O698-12(2): Provision Of Security Services To Royal Oak Mine

HON. DENNIS PATTERSON: Mr. Speaker, the best I have got from the federal government and the federal Minister on this matter is a proposal that we, together, find a mutually acceptable third party to assist in resolving what is essentially a dispute under the policing agreement. This is, I guess, an admission that there is a real interpretation problem under the policing agreement, and that perhaps an outside party will be required to softie this problem. But, I do not have the assurance that the Member has asked me about. Thank you.

MR. SPEAKER: Supplementary, Mrs. Marie-Jewell.

Supplementary To Question O698-12(2): Provision Of Security Services To Royal Oak Mine

MRS. MARIE-JEWELL: Mr. Speaker, I am seriously concerned with respect to the continually accumulating costs, as I am sure all my colleagues are, of providing RCMP services to Royal Oak mine. Since the Minister had indicated he had sent a letter to the federal government to determine whether

RCMP services are to continue, and the federal government's proposal stating that, together, we will find a mutual agreement, will the Minister consider court action against the federal government to absorb these costs for providing RCMP services to Royal Oak, if the federal government decides not to pay for these costs?

MR. SPEAKER: Mr. Patterson.

Further Return To Question O698-12(2): Provision Of Security Services To Royal Oak Mine

HON. DENNIS PATTERSON: Yes, Mr. Speaker.

MR. SPEAKER: Oral questions. Ms. Mike.

Question O699-12(2): Withholding Contract Fees To Co-Pro

MS. MIKE: Mr. Speaker, my question will be for the Minister of Economic Development and Tourism. Earlier I asked him a question regarding the awarding of contracts for studies of the Baffin inshore fishery. I also have many concerns about the contractor's performance. I have reviewed the contract awarded to Co-Pro for the study of vessel sourcing options, and I have reviewed the report submitted by that consultant in March 1992. According to the contract, Co-Pro was supposed to assess four options for assessing a boat and assigning a ranking quantitative or numerical score according to weighting criteria. The report does not contain any comparative weighting of options, only a summary of costs per fishing hours and training. Can the Minister indicate whether or not the department has withheld payment to Co-Pro for failing to comply with the method laid out in the terms and conditions of the contract?

MR. SPEAKER: Mr. Pollard.

Return To Question O699-12(2): Withholding Contract Fees To Co-Pro

HON. DENNIS PATTERSON: Mr. Speaker, the Department of Economic Development and Tourism is not the department that is lofting these contracts in this regard. It is the EDA committee comprising Fisheries, Indian Affairs, Renewable Resources and Economic Development and Tourism. It is this group that is letting the contract. Although we do everything we can to facilitate them, there is a group of people who are outside one particular department who are making these decisions. Have I said to the department, "Do not pay this person any money

because of non-compliance with a contract? " No, not to my knowledge, Mr. Speaker.

MR. SPEAKER: Supplementary, Ms. Mike.

Supplementary To Question O699-12(2): Withholding Contract Fees To Co-Pro

MS. MIKE: Thank you, Mr. Speaker, a supplementary for the Minister of Economic Development and Tourism. The contract required that Co-Pro submit a draft report to the regional sub-committee on fisheries and that, at that point, it should have been clear that the contractor had decided to change the methodology. The department could have either directed Co-Pro to follow the terms of the contract or else amended it to reflect the new methodology. Will the Minister investigate the review process followed by his departmental officials at the time the draft report was submitted?

Page 814

MR. SPEAKER: Mr. Pollard.

Further Return To Question O699-12(2): Withholding Contract Fees To Co-Pro

HON. JOHN POLLARD: Yes, Mr. Speaker.

MR. SPEAKER: Supplementary, Ms. Mike.

Supplementary To Question O699-12(2): Withholding Contract Fees To Co-Pro

MS. MIKE: Thank you, Mr. Speaker, a further supplementary to the Minister of Economic Development and Tourism. In assessing options for the acquisition of a vessel, Co-Pro was forced to consider safety factors and the economic impact to the region, but the consultant did not address this adequately. Can the Minister advise whether or not this will now mean that additional dollars must be spent to complete this aspect of the study?

MR. SPEAKER: Mr. Pollard.

Further Return To Question O699-12(2): Withholding Contract Fees To Co-Pro

HON. JOHN POLLARD: I will check into the matter, Mr. Speaker. Thank you.

MR. SPEAKER: Oral questions. Mrs. Marie-Jewell.

Question O700-12(2): GNWT Input Re Upgrading Telephone System, Fort Smith

MRS. MARIE-JEWELL: Thank you, Mr. Speaker. Mr. Speaker, I have a question for the Minister of Municipal and Community Affairs. Mr. Speaker, the town of Fort Smith has been receiving telephone service from NorthwesTel, like many other communities across the North. However, we have been receiving it through an apparently older type of technology that NorthwesTel is attempting to upgrade. NorthwesTel intends to reveal a plan for the upgrading of this service at a community meeting in Fort Smith in July. I would like to ask the Minister of Municipal and Community Affairs whether or not his department intends to provide input to the decision-making process with respect to the upgrading of telephone services to Fort Smith.

MR. SPEAKER: Mr. Patterson.

Return To Question O700-12(2): GNWT Input Re Upgrading Telephone System, Fort Smith

HON. DENNIS PATTERSON: Mr. Speaker, the question takes me by surprise. I had not heard of these plans of NorthwesTel, but I can tell the Member that if the plans will impact on municipal infrastructure, I will certainly undertake to make sure that my department is involved and is represented at the meetings or consultations which she describes are taking place next month. Thank you.

MR. SPEAKER: Oral questions. Mr. Ningark.

Question O701-12(2): RCMP Officer For Pelly Bay

MR. NINGARK: Thank you, Mr. Speaker. It took me a while to get used to asking questions. I would like to direct my first question to the honourable Minister responsible for Justice. The honourable Minister knows that during Christmas we had a bad experience, a B and E. Given that, people at Pelly Bay are getting very anxious to know the status of the request to base an RCMP officer in Pelly Bay. Thank you.

MR. SPEAKER: Mr. Patterson.

Return To Question O701-12(2): RCMP Officer For Pelly Bay

HON. DENNIS PATTERSON: Mr. Speaker, as I have told Mr. Pudluk and Mr. Pudlat, who have also expressed concerns about RCMP staffing in communities in their constituencies, at the moment I

am in the midst of intense discussions with the RCMP, both in headquarters in the Northwest Territories and at the national level, over the deployment of staff in the Northwest Territories. These discussions are aggravated by financial restraint, Mr. Speaker, but financial resources are not the only problem I am facing with the RCMP. There is some disagreement, in my view and the view of the RCMP, about how the existing person years should be distributed between large and small communities in the Northwest Territories.

Mr. Speaker, all this background is to say that these discussions are still under way. I regret that they are not resolved. I know there is a lot of anxiety in communities like Pelly Bay about what is going to be in place this coming year. There is a need to resolve the question quickly because of the need to get transfers taking place in the summer when they ordinarily occur, but at the moment we are still at odds, and I regret I cannot give the Member a definitive answer. I have taken the matter up with the commissioner of the RCMP for Canada, who will be visiting the Northwest Territories later this summer, and I am hoping it can be resolved soon because it is urgent that it be resolved. But at the moment, I have no clear answer that I can give to the honourable Member on that situation in Pelly Bay. I am sorry. Thank you.

MR. SPEAKER: I would ask if Ministers could try to keep their answers as short and concise as possible. Oral questions. Supplementary, Mr. Ningark.

Supplementary To Question O701-12(2): RCMP Officer For Pelly Bay

MR. NINGARK: Thank you, Mr. Speaker. Given the similar concerns from different communities across the Territories, that there is a need for RCMP officers, and given the situation we have here in Yellowknife, some Members have brought the concern that this government has brought some of the RCMP officers to help out with the situation we have here, I would like to ask the Minister if he could assure the House that this government will not pay for the RCMP that were brought from the Edmonton area. Thank you.

MR. SPEAKER: Mr. Patterson.

Further Return To Question O701-12(2): RCMP Officer For Pelly Bay

HON. DENNIS PATTERSON: Mr. Speaker, I would like to assure the honourable Member that the

emergency policing requirement associated with the Royal Oak labour situation is not affecting the community policing requirements. That matter is an extraordinary expense, unbudgeted, which will have to be dealt with in the way those unbudgeted extraordinary expenses are dealt with. Probably, if there is a bill that we must pay, it will be dealt with outside the normal budget process, and I am not admitting that we have any responsibility for that bill, Mr. Speaker. So I want to assure the Member that although I am having difficulties, especially with the satellite detachments, due to the financial restraint, it is not due to the restraints that both the federal government and our government are facing as a result of budgetary pressures Members are well familiar with. It has nothing to do with the strike in Yellowknife. Thank you.

Page 815

MR. SPEAKER: Oral questions. Mr. Zoe.

Question O702-12(2): Transfer Of Funding For Maintenance Of Elizabeth MacKenzie School

MR. ZOE: Mr. Speaker, a new school was built in Rae, and I understand the Rae school society has not been able to negotiate a contractual agreement for the maintenance of that particular school despite their strong desire to do so. My question to the Minister is, when is the Department of Education and the Department of Public Works going to negotiate with the Rae school society for the transfer of funding to maintain the Elizabeth MacKenzie Elementary School?

MR. SPEAKER: Mr. Alloo.oo.

Return To Question O702-12(2): Transfer Of Funding For Maintenance Of Elizabeth MacKenzie School

HON. TITUS ALLOOLOO: Thank you, Mr. Speaker. I will look into this for the Member. Thank you.

MR. SPEAKER: Thank you. Oral questions. Mrs. Marie Jewell.

Question O703-12(2): Winter Road Between Fort Smith And Fort Chipewyan

MRS. MARIE-JEWELL: Thank you, Mr. Speaker. I have a question for the Minister of Transportation. Mr. Speaker, for many years there has been a winter road from Fort Smith to Fort Chipewyan, and Parks Canada has indicated to the community that they will be closing that particular road this year. I sincerely

believe that any linkage for transportation is vitally needed, particularly in the North, and I would like to ask the Minister: In order to maintain this road, it cost approximately anywhere up to \$30,000 or \$40,000, and I would like the Minister to advise me whether or not his department has had any discussions with Parks Canada in an attempt to try and have them reverse their decision.

MR. SPEAKER: Mr. Allooloo.

Return To Question O703-12(1): Winter Road Between Fort Smith And Fort Chipewyan

HON. TITUS ALLOOLOO: Thank you, Mr. Speaker. Since the announcement by Parks Canada that they will not maintain the winter road between Fort Smith and Fort Chipewyan, I have directed my department to contact Parks Canada to see if they could do anything. Since the radio announcement this spring, and also since we recognize this road as being very important even though it is in the jurisdiction of the Alberta government and Parks Canada, I have asked my department to communicate to the Alberta government and Parks Canada, to push Parks Canada to come up with the money that they have been able to in the past. The report has not come back to me yet. Thank you.

MR. SPEAKER: Oral questions. Mrs. Marie-Jewell.

Question O704-12(2): NorthwesTel Services In Fort Smith

MRS. MARIE-JEWELL: Thank you, Mr. Speaker. I have an oral question to the Minister of Government Services. Mr. Speaker, as I stated earlier to the Minister of MACA in respect to NorthwesTel services, NorthwesTel provides a very poor quality of service to the community of Fort Smith. The residents of Fort Smith are continually getting out off when they are trying to obtain NorthwesTel services for longdistance telephone calls. I would like to ask the Minister of Government Services if the he would consider assisting Fort Smith by writing to NorthwesTel and request a fibre optic system as opposed to the satellite system that they are currently using, as the current satellite system is one of the oldest systems in the Territories. Thank you.

MR. SPEAKER: Mr. Pollard.

Return To Question O704-12(2): NorthwesTel Services In Fort Smith

HON. JOHN POLLARD: Mr. Speaker, we are well aware of the problems that Fort Smith has. It has caused us problems in the past with transmitting data between Fort Smith and other areas of the Northwest Territories. Part of the problem, Mr. Speaker, stems from the fact that Fort Smith may be on the old TROPO system that most of the Northwest Territories was on, and that is primarily because the National Park refused to allow NorthwesTel to put microwave towers throughout the park. That was several years ago. I am aware that last year, or perhaps the year before, Mr. Speaker, there was a satellite system tried from Fort Smith. I gather that did not work very well at all, so we are very aware of the problems in Fort Smith, and yes, I will commit to talk to the Minister of Government Services and recommend to him that his department lend all assistance to Fort Smith to get better telephone services. Thank you.

MR. SPEAKER: Oral questions. Mrs. Marie-Jewell.

MRS. MARIE-JEWELL: Thank you, Mr. Speaker. I have a question for the Minister of Social Services. However, before I proceed, Mr. Speaker, I would like to seek unanimous consent to extend question period.

MR. SPEAKER: The honourable Member is seeking unanimous consent to extend question period. Are there any nays? There are no nays. Question period will be extended. Mrs. Marie-Jewell.

Question O705-12(2): Board Of Management Meetings For Alcohol And Drug Services

MRS. MARIE-JEWELL: Thank you, and thank you, my honourable colleagues. Mr. Speaker, I have reviewed my return to my written question regarding the status of the board of management for alcohol and drug services, and I want to indicate to the Minister of Social Services that I was not at all pleased with his response. Mr. Speaker, right from the time that alcohol and drug programming was a federal responsibility, there has always been some acceptance of the need for community-based advice on alcohol and drug decision-making. Recognizing the importance of community input to decisions about the development of our system for alcohol and drug treatment, how can the Minister possibly justify the fact that the board of management has not met since November 1991?

MR. SPEAKER: Mr. Whitford.

Return To Question O705-12(2): Board Of Management Meetings For Alcohol And Drug Services

HON. TONY WHITFORD: Thank you, Mr. Speaker. One of the reasons that the board has not met since 1991 is that we had a freeze on travel. There was never a problem with them meeting to discuss matters by telephone, and I did meet subsequently with two board members that are living here in Yellowknife, the chairman and one other board member.

MR. SPEAKER: Supplementary, Mrs. Marie-Jewell.

Supplementary To Question O705-12(2): Board Of Management Meetings For Alcohol And Drug Services

MRS. MARIE-JEWELL: Mr. Speaker, I recognize that it is not a problem to address this through a conference call, but in the written return the Minister indicated to me that there was also one conference call held with the board, and I do not believe it is fair to ask the opinion of only one member of a board as opposed to the total board. I would like to ask the Minister, if he can indicate how he is receiving input about the continuing program needs of NWT communities in terms of the needs of alcohol and drug program projects?

MR. SPEAKER: Mr. Whitford.

Return To Question O705-12(2): Board Of Management Meetings For Alcohol And Drug Services

HON. TONY WHITFORD: Thank you, Mr. Speaker. There are three methods. The board of management is still there. They can advise me anytime they have some matters to be discussed. I have also responded to requests by Members to attend meetings in their ridings and their communities to discuss matters that deal with alcohol and drug delivery of service. I have responded to everyone that I have received, and I have received from the department, the information that is required. But there is no directive stopping the board of management from consulting with the Minister.

MR. SPEAKER: Supplementary, Mrs. Marie-Jewell.

Supplementary To Question O705-12(2): Board Of Management Meetings For Alcohol And Drug Services

MRS. MARIE-JEWELL: Mr. Speaker, I fully recognize that there is no directive stopping the board members, but the point I am trying to make to the Minister is the board has yet to meet. It has never met since last November. The Minister should know that the board of management for alcohol and drug services does much more than just review funding applications. It is a source of information for the Minister about what is happening in terms of alcohol and drug abuse in regions represented by the board. It provides long-range strategic planning, and it coordinates program evaluation, and most importantly, it balances out the Yellowknife perspective which sometimes is dominated by the senior administration within the Social Services department. Is it now the Minister's policy that this community input is unnecessary for the administration of our alcohol and drug projects?

MR. SPEAKER: Mr. Whitford.

Further Return To Question O705-12(2): Board Of Management Meetings For Alcohol And Drug Services

HON. TONY WHITFORD: Mr. Speaker, I always thought that one of the best sources of information and input on programs that were affecting the people were my honourable friends.

I have gone to great lengths to seek their advice, counsel and direction, and have responded to their requests to visit their constituencies and their communities that were experiencing some misunderstanding of the delivery of alcohol and drug programs in the Territories. I thought I was using the best source of information available.

MR. SPEAKER: Supplementary, Mrs. Marie-Jewell.

Supplementary To Question O705-12(2): Board Of Management Meetings For Alcohol And Drug Services

MRS. MARIE-JEWELL: Well there is no doubt that our information is valuable but, Mr. Speaker, there is a board of management that should be recommending and advising the Minister. I would like to ask the Minister, if he will now make a commitment to proceed with the meeting which he had originally planned to schedule after the sitting of the Assembly.

MR. SPEAKER: Mr. Whitford.

Further Return To Question O705-12(2): Board Of Management Meetings For Alcohol And Drug Services

HON. TONY WHITFORD: Thank you, Mr. Speaker. I will be in touch with the chairperson of the board of management to see what kind of arrangements can be made to meet with the existing board prior to the fall session.

MR. SPEAKER: Mr. Nerysoo.

Question O706-12(2): Changes To Alcohol And Drug Program

MR. NERYSOO: Thank you, Mr. Speaker. I have a question to the Minister of Social Services. Could he indicate to me what changes to the alcohol and drug program have been made as a result of these meetings within the regions?

MR. SPEAKER: Mr. Whitford.

Return To Question O706-12(2): Changes To Alcohol And Drug Program

HON. TONY WHITFORD: Thank you, Mr. Speaker. I have been informed by some of the communities of the desire of the various groups to deliver alcohol and drug programs in the communities. There are times when more than one group wants to deliver a program in an area for a variety of good reasons. I assist wherever possible to ensure that the community's needs are being met. I am not sure if that is what the Member is referring to by changes, but we have not made any major changes to the delivery of alcohol and drug programs. We are confronted with a number of problems, finances being one of them.

MR. SPEAKER: Mr. Nerysoo.

Supplementary To Question O706-12(2): Changes To Alcohol And Drug Program

MR. NERYSOO: Mr. Speaker, maybe I should remind the honourable Member that it was this government that was initiating a new board too because one board in Iqaluit was not prepared to accept a policy decision made by this government. What changes have been initiated as a result of meetings that have been held in communities regarding the alcohol and drug programs, the services and the delivery mechanisms?

MR. SPEAKER: Mr. Nerysoo is asking the same question again, but I look at it as a matter of clarification so the Minister maybe understands the question a little bit clearer than he did the last time. Mr. Minister.

Page 817

Further Return To Question O706-12(2): Changes To Alcohol And Drug Program

HON. TONY WHITFORD: Thank you, Mr. Speaker. I suppose the major one would have been the reaffirmation of the sobriety clause. There has been a major change to the delivery of alcohol and drug treatment programs in the Baffin as a result of that. Unfortunately, we lost the services of Tuvvik because of a philosophical difference between the sobriety clause and that of the deliverers of the program in that area. One other program has not consented to the sobriety clause; that being Pangnirtung. So there have been those changes there. But, there is a general endorsement and a mood change in the delivery of the program. People, in general, are very happy with the -particular stance that this government and this Minister have taken, and the stance program sponsors are taking on this. It is a very positive change.

MR. SPEAKER: Mr. Arngna'naaq.

Question O707-12(2): Funding Access To School Bus Services

MR. ARNGNA'NAAQ: Thank you, Mr. Speaker. I have a question for the Minister of Education. I have had the opportunity now to review the criteria for funding access to school bus services in the NWT. I note that the department considers the age of the students, the distance from school, major safety hazards and the state of physical and mental health of the students when it is determining the amount of funding to be given to support transportation assistance. Can the Minister explain what consideration is given to weather factors, since one kilometre at 37 below zero is a much different challenge for young students than one kilometre at 15 below.

MR. SPEAKER: Mr. Alloofoo.

Return To Question O707-12(2): Funding Access To School Bus Services

HON. TITUS ALLOOFOO: Mr. Speaker, the weather factors are taken into account, but not to the large

extent that they should be. Since I became the Minister of Education, I have asked the department to develop a bussing policy which this government does not have at this point. We have merely a bussing criteria that the department follows. Depending on the acceptability of the now policy, we will be able to add the concerns of the transportation needs of the students.

MR. SPEAKER: Supplementary, Mr. Arngna'naaq.

Supplementary To Question O707-12(2): Funding Access To School Bus Services

MR. ARNGNA'NAAQ: Thank you, Mr. Speaker. I would like to find out when the Minister would expect the now policy would be put together.

MR. SPEAKER: Mr. Allooloo.

Further Return To Question O707-12(2): Funding Access To School Bus Services

HON. TITUS ALLOOLOO: Thank you, Mr. Speaker. Hopefully by the fall. All the policies go through the Executive Council before they are approved. Depending on the acceptability of the policy, I would hope we would have the policy by the fall.

MR. SPEAKER: Mr. Zoe.

Question O708-12(2): Contract Agreement With NWT Teachers' Association

MR. ZOE: Thank you, Mr. Speaker. I have a question for the Minister of Education. Our government has recently reached a contract agreement with the NWT Teachers' Association on a new contract. This agreement included a proposal by the Teachers' Association that would reduce the length of the school year by 2.5 days in order to allow staff to complete duties of an administrative nature. Could the Minister please inform me why they would accept such a proposal without consulting the NWT Trustee Association or divisional boards of education?

MR. SPEAKER: Mr. Allooloo.

Return To Question O708-12(2): Contract Agreement With NWT Teachers' Association

HON. TITUS ALLOOLOO: Thank you, Mr. Speaker. The agreement that was reached between the Government of the Northwest Territories and the NWT Teachers' Association is to confirm what has been the practice of all teachers on teaching days

throughout the Northwest Territories. The contractual arrangement is between the Government of the Northwest Territories and the NWT Teachers' Association. Thank you.

MR. SPEAKER: Oral questions. Supplementary, Mr. Zoe.

Supplementary To Question O708-12(2): Contract Agreement With NWT Teachers' Association

MR. ZOE: A supplementary, Mr. Speaker. Mr. Speaker, we have heard much talk over the past few months about the problems in our education system, particularly the high dropout rates, low graduation rates, at cetera. I cannot understand, Mr. Speaker, why this government would accept a proposal to shorten the school year from 190 days to 187.5 days for the upcoming year. They should have added on to the tail end of the school year, but it looks like they are not considering that. Could the Minister give me a better explanation as to why we are shortening the school year from 190 to 187.5 days?

MR. SPEAKER: Mr. Allooloo.

Further Return To Question O708-12(2): Contract Agreement With NWT Teachers' Association

HON. TITUS ALLOOLOO: Thank you, Mr. Speaker. The school days for 1992-93 will be the same as those of the 1991-92 school year. Thank you.

MR. SPEAKER: Oral questions. Supplementary, Mr. Zoe.

Supplementary To Question O708-12(2): Contract Agreement With NWT Teachers' Association

MR. ZOE: A supplementary, Mr. Speaker. I realize that the total days in the school calendar year is 190 days, but the point I am trying to make is that the actual days of teaching students has been reduced by 2.5 days. The Dogrib divisional board has raised that concern with me asking why our government taking out the 2.5 days at the expense of our students. Here we are decreasing their learning time by 2.5 days. That is the question I was trying to get across to my colleague. If they were going to give them 2.5 days for administrative duties, why did they not add 2.5 days to the school year rather than reducing the actual teaching of the kids by 2.5 days?

MR. SPEAKER: Mr. Allooloo, if you care to clarify please.

Further Return To Question O708-12(2): Contract Agreement With NWT Teachers' Association

HON. TITUS ALLOOLOO: Thank you, Mr. Speaker. Mr. Speaker, what I should have said was that the teaching days, the actual days the school kids are in the classroom in 1992-93, will be the same as for the 1991-92 year. The 2.5 days that the Member is talking about have been utilized in the past for quite a few years as days for teachers to use as administrative days to prepare kids at the beginning of the school year in their classrooms - the teachers preparing their classrooms - and also for developing their knowledge to sensitize themselves to their community. Thank you.

MR. SPEAKER: Oral questions. Ms. Mike.

MS. MIKE: Thank you, Mr. Speaker. My question will be for my friend, the Minister of Economic Development and Tourism. Honourable Members will know that this is a crucial time for the development of the Baffin fishing industry. I am concerned about the level of expertise which presently exists within both the department's headquarters and the Baffin regional office. In response to my question on June 24, 1992, the Minister indicated that he is getting his information on these matters from his department. Could the Minister please outline for the House the range of experience his departmental officials have with respect to the planning and management of marine fisheries?

MR. SPEAKER: If I could make one comment. The question could, in my estimation, require quite a detailed response and probably would be more appropriate as a written question, Ms. Mike. Oral questions. Ms. Mike, if you would like to rephrase the question.

Question O709-12(2): Department Of Economic Development And Tourism Expertise In Fisheries

MS. MIKE: Thank you, Mr. Speaker. I would like to know what kind of expertise in fisheries we have in the Department of Economic Development and Tourism.

MR. SPEAKER: Mr. Pollard.

HON. JOHN POLLARD: Thank you, Mr. Speaker. Mr. Speaker, I will take the question as notice.

MR. SPEAKER: The question has been taken as notice. Oral questions. Mrs. Marie-Jewell.

Question O710-12(2): Court Costs When Judgment Is Overturned

MRS. MARIE-JEWELL: Thank you, Mr. Speaker. I have a question for the Minister of Justice. Mr. Speaker, some time ago before this session started, I had asked for some information to be researched. It seems, Mr. Speaker, that we are repeatedly learning about more and more cases that have been tried by one of our territorial Supreme Court judges which are then overturned by a higher court on appeal. Mr. Speaker, I am speaking of the record of the Hon. Justice Ted Richard, who I know is a federally appointed judge of the Supreme Court of the Northwest Territories. I would like to ask the Minister of Justice if he could tell this House whether expenditures are accrued to the Government of the Northwest Territories in terms of court administration costs when Supreme Court judgments are overturned and cases must be reheard.

MR. SPEAKER: Mr. Patterson.

HON. DENNIS PATTERSON: I had better take that one as notice, Mr. Speaker. Thank you.

MR. SPEAKER: The question is being taken as notice. Oral questions. Oral questions. Item 6, written questions. Ms. Mike.

ITEM 6: WRITTEN QUESTIONS

Question W47-12(2): Extension To Co-Pro Limited Contract

MS. MIKE: Thank you, Mr. Speaker. I have a written question for the Minister of Economic Development and Tourism. Recognizing that, in October 1991, a \$41,500 contract, number SC310802, was awarded to Co-Pro Limited of Ottawa as a part-time retainer for services as marine fisheries advisor, will the Minister table in this House a summary outlining: a) the reasons why it was necessary, in April 1992, to award an additional \$4500 contract, SC310807, to Co-Pro Limited as a continuation of this retainer; and b) the procedures used to call for proposals for services provided under SC310802 and SC310807?

Question W46-12(2): Request For Proposals To Provide Fishing Vessel And Core-Crew

I have a written question for the Minister of Economic Development and Tourism. Would the Minister

provide the following details regarding a request for proposals coordinated in June 1992 on behalf of the Baffin Region subcommittee on fisheries by his department regarding the provision of a fishing vessel and core crew:

a) a listing of all media sources in which the request for proposals was published and the dates when it appeared in each one; b) the closing date for the receipt of proposals; c) procedures used to identify the vessel size and equipment required within the terms of reference; and d) the current status of this request for proposals.

MR. SPEAKER: Written questions. Mrs. Marie-Jewell.

Question W48-12(2): Court Administration Costs

MRS. MARIE-JEWELL: Thank you, Mr. Speaker. I have a written question for the Minister of Justice. Would the Minister please table, in this House, a summary of court administration costs accrued to the GNWT associated with all appeals made on the following legal matters:

a) the Crown versus Iain Richardson; b) the Crown versus Norman Desjardins; c) the Crown versus Eli Ulaayuk; d) the Crown versus Rowe, sexual assault; e) the Crown versus Fraser, sexual assault; - the Crown versus Gillespie; g) the Crown versus Toasi; h) Zatlyn versus the Commissioner of the NWT; i) Alberta Ltd. versus Yellowknife Developments and Air Manitoba Inc.; j) Wayne Dennis versus the Commissioner of the NWT; k) the Crown versus Laisa; l) the Crown versus Larocque; m) the Crown versus Makeinzo; n) the Crown versus Maher, sexual assault; o) HTB Management versus Scott Baker; p) Viswalingam versus Viswalingam; q) Curry Construction versus John Deere Finance Ltd.; r) Curry Construction versus First City Trust Company; s) Munro versus Munro; t) Brock Laidlaw versus Commissioner of the NWT; u) the Crown versus Allen, sexual assault; v) the Crown versus Temela; w) the Crown versus Dale Pearce; x) the Crown versus Peter Ittinar; y) the Crown versus Gordon Haslam; z) the Crown versus K. Logge; as) the Crown versus E. Tassugat. Thank you.

MR. SPEAKER: Written questions. Item 7, returns to written questions. Mr. Clerk.

Page 819

ITEM 7: RETURNS TO WRITTEN QUESTIONS

CLERK OF THE HOUSE (Mr. Hamilton): Mr. Speaker, return to Question W45-12(2), asked by Mr. Koe to the Minister of Education concerning teaching and administrative positions filled by aboriginal people.

Return to Question W45-12(2): Teaching And Administrative Positions Filled By Aboriginal People

Hon. Titus Allooloo's return to Question 45-12(2), asked by Mr. Koe on June 26, 1992:

There are 1004 teaching positions in the Northwest Territories. Eight-hundred and twenty-four of these positions are staffed GNWT teaching positions. The remaining 180 teachers are working for the two Yellowknife boards of education.

There are 674 staffed Union of Northern Workers positions in the Department of Education, the eight divisional boards of education and the Board of Secondary Education.

Twenty-five per cent of the staffed GNWT teaching positions, 203 positions, are held by aboriginal teachers; 39 per cent of the staffed GNWT Union of Northern Workers positions are held by aboriginal employees.

The goal of the Department of Education is to reach 50 per cent aboriginal teachers by the year 2000. To reach this goal the department has: a) provided for the training and certification of aboriginal language specialist teachers; b) initiated community-based delivery of teacher education programs; and c) is reviewing the roles and relationships of the Department of Education, school boards and Arctic College, as well as the program delivery, funding and student support issues which were identified at the November 1991 teacher education conference. This review will ensure that training for school community counsellors and special needs assistants is coordinated with teacher training, and will ensure that the resources available to train northern educators is used effectively. The review will be completed this fiscal year.

MR. SPEAKER: Item 8, replies to Opening Address. Mr. Nerysoo.

MR. NERYSOO: I apologize, Mr. Speaker, but I ask for unanimous consent of the House to return to Item 6, written question.

MR. SPEAKER: The honourable Member is seeking unanimous consent to return to written questions. Are there any nays? There are no nays. Proceed, Mr. Nerysoo.

REVERT TO ITEM 6: WRITTEN QUESTIONS

Question W49-12(2): GNWT Employment Of Summer Students

MR. NERYSOO: Thank you, Mr. Speaker. This is a written question to the Minister of Personnel. Would the Minister of Personnel consider the following request:

- 1) Request that each department develop a formal plan which identifies casual work requirements to be filled by northern summer students in Yellowknife and in the regions?
- 2) Would the Minister evaluate and assess each department based on these plans?
- 3) Would the Minister consider using unutilized casual hire positions to recruit summer students?
- 4) Would the Minister consider developing career-building workshops for all summer students hired by the Government of the NWT?

MR. SPEAKER: Written questions.

Item 8, replies to Opening Address.

Item 9, petitions.

Item 10, reports of standing and special committees.

Item 11, reports of committees on the review of bills.

Item 12, tabling of documents. Mr. Pollard.

ITEM 12: TABLING OF DOCUMENTS

HON. JOHN POLLARD: Thank you, Mr. Speaker. I wish to table Tabled Document 66-12(2), Phase one, the report of the Commission for Constitutional Development, named "Working Toward a Common Future," April 1992.

MR. SPEAKER: Tabling of documents. Mr. Koe.

MR. KOE: Mr. Speaker, I would like to table Tabled Document 67-12(2), Transcript of Proceedings of the Workers' Compensation Board Review by the standing committee on agencies, boards and commissions, held May 11-13, 1992.

MR. SPEAKER: Tabling of documents. Ms. Mike.

MS. MIKE: Mr. Speaker, I would like to table Tabled Document 68-12(2), a photocopy of a Co-Pro Vessel Sourcing contract, which I referred to in my earlier question. Honourable Members will note that this is the contract with the GNWT and not the Baffin sub-committee on fisheries. It is signed by contract authorities within the Baffin regional office of Economic Development and Tourism.

MR. SPEAKER: Tabling of documents. Mr. Gargan.

MR. GARGAN: Thank you, Mr. Speaker. On Thursday, your research department was able to get hold of Ms. Anne Crawford with regard to the report she has done independently on the review of abortion procedures at Stanton Yellowknife Hospital. I table this as Tabled Document 69-12(2).

MR. SPEAKER: Tabling of documents. Mr. Patterson.

HON. DENNIS PATTERSON: Thank you, Mr. Speaker. I wish to table Tabled Document 70-12(2), The Justice House, Report of the Special Advisor on Gender Equality. Thank you.

MR. SPEAKER: Tabling of documents. Mr. Pollard.

HON. JOHN POLLARD: Thank you, Mr. Speaker. I wish to table Tabled Document 71-12(2), 1991 Annual Report of the Northwest Territories Public Service. Thank you.

MR. SPEAKER: Tabling of documents. Mr. Clerk.

CLERK OF THE HOUSE: Mr. Speaker, pursuant to section 184(4) of the Elections Act, I wish to table Tabled Document 72-12(2), candidates election returns and declarations of election contributions and expenses for the following candidates: James Arvaluk, Donal Milortuk, Tongola Sandy, Enoki Irqittuq, Ipeelee Kilabuk, Myna Maniapik, Lottie Toomasie, Joe Arlooktoo, Joannie Ikkidluak, Kenoayoak Pudlat, Mathew Saveakjuk, John Pollard, Jobie Issigaitok, Moses Koonoo, George Doolittle, Glenna Hansen, Fred Koe, Val Haas, Bryan Pearson, John Todd, Edna Elias, Silas Arngna'naaq, Gordon Wray, Richard Nerysoo, Arnold Hope, Daniel Lapierre, Joe Mercredi, Patrick Scott, Joe Rabesca, Richard Whitford, Nellie Cournoyea, Jeannie Marie-Jewell,

Barbara Ann Beck, June Balsillie, Brian Lewis, Barbara O'Neill, David Barry, Arlene Hache, Barry Conacher, Peter Ernerk, Andre Tautu, Titus Allooloo, Peter Iqalukjuak, Norman Komoartuk, Rebecca Mike, Joe Arragutinga, Johnny Cookie, Mikijuk Kolola, Pudloo Mingeriak, Samuel Gargan, Larry Audlaluk, David Kalluk, Ludy Pudluk, Jeff Gardiner, Vivian Hunter, Cece McCauley, Dennis Patterson, Jose Kusugak, Ernie Bernhardt, Kelvin Ng, David Alagalak, Roger Allen, Jim Antoine, Bill Lafferty, Steve Malesku, Bertha Norwegian, John Ningark, Cecilia Wettrade, Henry Zoe, Stephen Kakfwi, Lou Sebert, Don Morin, Fernand Denault, Bruce McLaughlin, Noel Montagano, Charles Dent, Michael Ballantyne and Tony Whitford.

MR. SPEAKER: Tabling of documents. We will take a short recess.

---SHORT RECESS

Item 13, notices of motions. Mrs. Marie-Jewell.

ITEM 13: NOTICES OF MOTIONS

Notice Of Motion 27-12(2): Upgrading Communications System To The Town Of Fort Smith

MRS. MARIE-JEWELL: Thank you, Mr. Speaker. I give notice that on Wednesday, September 9, I will move the following motion: I move, seconded by the honourable Member for Mackenzie Delta, that this Legislative Assembly supports the efforts of the town of Fort Smith to have a communications system installed by NorthwTel that would maintain a level of service that is equal to that provided at its highest level to the surrounding communities; and further, that the system to be installed would be preferably fibre optics or digital microwave type; and furthermore, that the cabinet communicate this decision and their support for the upgrading of the communications system to the town of Fort Smith.

Mr. Speaker, at the appropriate time I will be seeking unanimous consent to proceed with this motion today.

MR. SPEAKER: Thank you, Mrs. Marie-Jewell. Notices of motions. Mr. Nerysoo.

Notice Of Motion 28-12(2): Northern Hiring Policy

MR. NERYSOO: Thank you, Mr. Speaker. I give notice that on July 1, 1992, I will move the following motion: Now therefore, I move, seconded by the honourable Member for Kitikmeot, that this Legislative

Assembly recommends to the Executive Council that they immediately develop and institute a hire north policy for public service positions within the Government of the Northwest Territories; and further, that the Minister of Personnel report back to this House during the September session on the status of this policy.

At the appropriate time, Mr. Speaker, I will be seeking unanimous consent to proceed with this motion today.

MR. SPEAKER: Notices of motions. Mrs. Marie-Jewell.

Notice of Motion 29-12(2): Maintenance Of Winter Road, Fort Smith To Fort Chipewyan

MRS. MARIE-JEWELL: Thank you, Mr. Speaker. I give notice that on Wednesday, September 9, I will move the following motion: I move, seconded by the honourable Member for North Slave, that this Legislative Assembly requests the cabinet to negotiate with Wood Buffalo National Park to keep open and maintain the winter road between Fort Smith and Fort Chipewyan year-round.

At the appropriate time, I will be seeking unanimous consent to proceed with this motion today.

MR. SPEAKER: Notices of motions.

Item 14, notices of motions for first reading of bills.

Item 15, motions. Mr. Pudlat.

ITEM 15: MOTIONS

Motion 22-12(2): Support For Participant Funding In The Great Whale Hydro Electric Project

MR. PUDLAT: (Translation) Thank you, Mr. Speaker.

WHEREAS the environmental assessment and review of the Great Whale project is being undertaken;

AND WHEREAS there are five different environmental and social assessment and review processes that are presently being applied to the Great Whale project;

AND WHEREAS four of these are established by the James Bay and Northern Quebec Agreement, and the fifth one established by the federal environmental assessment and review process;

AND WHEREAS a further four-party agreement has been established between Canada and Quebec, and the Inuit and Cree, to co-ordinate all aspects of the provincial and federal review process;

AND WHEREAS public consultation on the guidelines for the review process has been completed with limited time being given to the people of Sanikiluaq through the Sanikiluaq environmental committee to express their views;

AND WHEREAS on April 30, 1992, the environmental assessment panels issued draft guidelines for the environmental impact study of the Great Whale hydro electric project with a 45-day period being established for the government agencies to receive input from interested parties on the draft guidelines;

AND WHEREAS the draft guidelines were only received in Sanikiluaq in English and French on May 19, 1992;

AND WHEREAS the Keewatin Regional Health Board has requested funding from the federal Minister of the Environment to have the draft guidelines translated in the dialects of the Keewatin;

AND WHEREAS it appears that access to participant funding for the review of the environmental impact statement is going to be a problem for the government and people of the Northwest Territories;

AND WHEREAS a two million dollar fund has been established through equal contributions from the federal and Quebec governments, but the plan for distributing these funds has been set out in an MOU signed on January 23, 1992;

AND WHEREAS an additional three million dollars which Hydro Quebec has also been made available to be equally divided among Quebec aboriginal organizations;

AND WHEREAS the majority of the funding under the MOUs has already been assigned to other intervening groups, and will leave the Inuit of the Northwest Territories communities in Hudson Bay and the organizations working on their behalf to be able to apply for limited funding;

Page 821

AND WHEREAS the Inuit of Sanikiluaq and the affected Keewatin communities have taken the position that additional funding they receive should

not diminish the funds available for the aboriginal organizations in Quebec;

AND WHEREAS the municipality of Sanikiluaq, in addition to their application for participation funding, have requested the Government of Canada to conclude a memorandum of understanding with the environmental committee of Sanikiluaq to provide \$500,000 to enable participation in the review;

AND WHEREAS the Keewatin Regional Health Board, the Keewatin Regional Council, and the Inuit Tapirisat of Canada are on record as supporting the request for intervening funding by the people of Sanikiluaq;

AND WHEREAS the Government of the Northwest Territories has an obligation and important role in assisting the people of Sanikiluaq and the Keewatin with their efforts to conclude a memorandum of understanding;

AND WHEREAS the federal Minister of the Environment has not responded to repeated requests for concluding a memorandum of understanding;

AND WHEREAS the people of Sanikiluaq, the Keewatin and the Northwest Territories should know where the Government of the Northwest Territories and the Legislative Assembly stand on this review;

NOW THEREFORE, I move, seconded by the honourable Member for Keewatin Central, that this Legislative Assembly fully supports the efforts of the municipality of Sanikiluaq to obtain participant funding for the review of the environmental impact of the Great Whale hydro electric project:

AND FURTHER, that the Legislative Assembly urges the Government of Canada, through the Minister of the Environment, to conclude a memorandum of understanding that would provide participant funding in the amount of \$500,000 for the communities on Hudson Bay;

AND FURTHER, that the Government of the Northwest Territories, through the cabinet, provide all the required assistance and support to the people of Sanikiluaq in their efforts to obtain participant funding and the conclusion of the memorandum of understanding.

I hope this motion is understandable, and I will be seeking support from Members.

MR. SPEAKER: Thank you, Mr. Pudlat, your motion is in order. To the motion, Mr. Pudlat.

MR. PUDLAT: (Translation) This motion that I am putting forward concerns environmental protection that we should all be aware of. We have to prevent this from happening since it will affect our wildlife, our land, the mammals in the sea and other foods that we eat. These things might potentially be at risk if this project goes forward, and it will affect all of us. Because of that, and the affect that it will have for everyone, I am putting his motion forward. I fear it will affect the Keewatin communities should this Hydro Quebec project be started.

Because of these things, I want to make it understood to everyone that I will be seeking your support. We have to be aware of the hazards that might occur; we have to play an active role in the protection of our environment, and we have to encourage the participation of our government to have an impact on the review. I thank you for listening to me, and I will be seeking your support. I will leave it up to my seconder to make a further statement. Thank you, Mr. Speaker.

MR. SPEAKER: Just for the record, I checked with our staff, and Mr. Pudlat did say the Member for Kivallivik, but the interpreter followed the actual script here. For the record, the seconder is the Member for Kivallivik. Member for Kivallivik.

MR. ARNGNA'NAAQ: Thank you, Mr. Speaker. I am glad that we have the writing straight. (Translation) I will be speaking in Inuktitut. I volunteered to second this motion since our Member for Keewatin Central is not available in the House. I support the motion that was put forward by the Member for Lake Harbour. Being from Baker Lake, I am not from the shore area, but from my constituency I have people who live near the bay area in Arviat. They are close to the Sanikiluaq area. Within the Kivallivik riding they are the closest so they might be affected also by way of the wildlife, especially the sea mammals within the Hudson Bay area.

Since there is potential for a hazard, I have been asked what my stand is on this issue concerning the Hydro Quebec project. I fully support this motion and through supporting this motion, if it will help to protect the people of Arviat and within the Keewatin as well, I would also encourage other people to support this motion because it will not just affect people in the Keewatin Region. We have to show our support for

the hard work that the people of Quebec are trying to finish. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Mr. Arngna'naaq from Kivallivik. To the motion.

AN HON. MEMBER: Question.

MR. SPEAKER: Question is being called. Mr. Pudlat, would you like to conclude debate?

MR. PUDLAT: (Translation) I conclude, Mr. Speaker.

Motion 22-12(2), Carried

MR. SPEAKER: Question has been called. All those in favour? All those opposed? The motion is passed unanimously.

---Applause

Motions. Motion 25-12(2), Mr. Koe.

Motion 25-12(2): Extended Adjournment Of The House, Carried

MR. KOE: Thank you, Mr. Speaker.

I **MOVE**, seconded by the honourable Member for Kitikmeot, that when the House adjourns on Monday, June 29, 1992, it shall be adjourned until September 9, 1992;

AND FURTHER, that at any time prior to September 9, 1992, the Speaker is satisfied, after consultation with the Executive Council and Members of the Assembly, that the public interest requires that the House should meet at an earlier time during the adjournment, the Speaker may give notice, and thereupon the House shall meet at the time stated in such notice and shall transact its business as it has been duly adjourned to that time.

Page 822

MR. SPEAKER: Thank you, Mr. Koe. Your motion is in order. To the motion, Mr. Koe.

MR. KOE: Question.

MR. SPEAKER: Question has been called. The seconder of the motion, Mr. Bernhardt. Question is being called. Mr. Koe, you can conclude debate. Question is being called. All those in favour? All those opposed? The motion is carried.

---Carried

Motion 26-12(2), Mr. Dent.

Motion 26-12(2): Tabled Document 62-12(2) To Committee Of The Whole, Carried

MR. DENT: Mr. Speaker:

I **MOVE**, seconded by the honourable Member for Inuvik, that Tabled Document 62-12(2), Report on Northwest Territories Operations At Expo '92 as of May 31, 1992, be moved into committee of the whole for consideration.

MR. SPEAKER: Your motion is in order, Mr. Dent. To the motion, Mr. Dent.

AN HON. MEMBER: Question.

MR. SPEAKER: Question is being called. Mr. Koe, the seconder. Question is being called. All those in favour? Opposed, if any? The motion is carried.

---Carried

Tabled Document 62-12(2) will be moved into committee of the whole. Motions. Mrs. Marie-Jewell.

MRS. MARIE-JEWELL: Thank you, Mr. Speaker. I seek unanimous consent to address my motion in respect to NorthwesTel today.

MR. SPEAKER: The honourable Member is seeking unanimous consent. Are there any nays? There are no nays, proceed please.

Motion 27-12(2): Upgrading Communications System To The Town Of Fort Smith, Carried

MRS. MARIE-JEWELL: Thank you.

I **MOVE**, seconded by the honourable Member for Mackenzie Delta, that this Legislative Assembly supports the efforts of the town of Fort Smith to have a communications system installed by NorthwesTel that would maintain a level of service that is equal to that provided at its highest level to surrounding communities;

AND FURTHER, that the system to be installed would be preferably fibre optics or digital microwave type;

AND FURTHER, that the cabinet communicate this decision and their support for the upgrading of the communications system to the town of Fort Smith.

MR. SPEAKER: The motion is in order. To the motion, Mrs. Marie-Jewell.

MRS. MARIE-JEWELL: Thank you, Mr. Speaker. I have addressed the concern today with the appropriate Ministers indicating that our system for NorthwesTel has been a very poor system, and the quality of service we are getting is next to poor. Over time, we have been receiving an older technology of system that is used only in Fort Smith. Fort Smith is continually absorbing numerous cutoffs in their long distance calls. They have a lot of echo sounds in the service.

This motion is to assist the community in trying to maintain the type of service we are paying for. It also addresses to replacing the old technology that is used only in Fort Smith. The community residents have been very, very patient and tolerable with the service; however they are finding it extremely difficult to continue with that patience. I believe the intention of this motion is to try to convince NorthwesTel to give the community the service it is currently paying for.

One point of interest to the Members, we all know that the night of the plebiscite vote there was a call to our mayor and, unfortunately, they could not even get through to get his comments because of the continual cutoffs in our system. I would appreciate the support from Members to request NorthwesTel to provide the level of services that other communities are now being able to benefit from.

MR. SPEAKER: Secunder of the motion, Mr. Nerysoo.

MR. NERYSOO: Question, Mr. Speaker.

MR. SPEAKER: Mrs. Marie-Jewell, you have the opportunity to conclude debate.

MR. SPEAKER: Question is being called. All those in favour? Opposed, if any? The motion is carried.

---Carried

Motions. Mr. Nerysoo.

MR. NERYSOO: Mr. Speaker, I seek unanimous consent to proceed with my motion today regarding northern hiring policy.

MR. SPEAKER: The honourable Member is seeking unanimous consent. Are there any nays? There are no nays. Proceed, Mr. Nerysoo.

Motion 28-12(2): Northern Hiring Policy, Carried

MR. NERYSOO: Thank you, Mr. Speaker.

WHEREAS the hiring practice of the Government of the NWT has historically benefited the southern transient population and not the permanent residents of the NWT;

AND WHEREAS it is desirable that public service positions within the Government of the NWT are filled by northern residents;

AND WHEREAS It is desirable to increase the number of Northerners, and in particular aboriginal Northerners, in middle and senior management positions currently occupied by southern hires, as well as the low level positions;

NOW THEREFORE, I move, seconded by the honourable Member for Kitikmeot, that this Legislative Assembly recommends to the Executive Council that they immediately develop and institute a "hire north" policy for public service positions within the Government of the NWT;

AND FURTHER, that the Minister of Personnel report back to this House during the September session of the status of this policy.

Page 823

MR. SPEAKER: Mr. Nerysoo, the seconder is not in the House. Do you have another seconder, Mr. Nerysoo.

MR. NERYSOO: Yes, the honourable Member for Thebacha.

MR. SPEAKER: Your motion is in order. To the motion.

MR. NERYSOO: Thank you, Mr. Speaker. If I might make a few comments encouraging Members to support the motion. It is not my intention to in any way challenge the ability of this government to recruit from the South. However, I do figure it is important that we encourage our government to get on with promoting the northern labour force, especially those that are qualified to be placed in positions in our government. I think if we are to promote the education of our young people, and if we are to encourage our adult population to upgrade their formal education so that they can qualify even for further education, I think it is incumbent upon us in this Assembly to give some hope to our population that they will be employed at the end of the efforts of the people of the North.

MR. SPEAKER: Mrs. Marie-Jewell.

MRS. MARIE-JEWELL: Thank you, Mr. Speaker. This policy, I believe, would no doubt encourage and assist northern students that are currently looking for work. I would view this policy somewhat similar to our buy north policy, where this government makes every effort to hire north for the students in respect to recruitment. So I fully support the intention of this motion.

MR. SPEAKER: To the motion.

AN HON. MEMBER: Question.

MR. SPEAKER: Question is being called. Mr. Nerysoo, would you like to conclude debate?

MR. NERYSOO: Question, Mr. Speaker.

MR. SPEAKER: Question is being called. All those in favour? Opposed, if any? The motion is carried.

--- Carried

MRS. MARIE-JEWELL: Thank you, Mr. Speaker. I seek unanimous consent to address my motion today regarding Wood Buffalo National Park winter road.

MR. SPEAKER: The honourable Member is seeking unanimous consent. Are there any nays? There are no nays. Proceed please, Mrs. Marie-Jewell.

Motion 29-12(2): Maintenance Of Winter Road, Fort Smith To Fort Chipewyan, Carried

MRS. MARIE-JEWELL: Thank you, Mr. Speaker.

I **MOVE**, seconded by the honourable Member for North Slave, that this Legislative Assembly requests the cabinet to negotiate with Wood Buffalo National Park to keep open and maintain the winter road between Fort Smith and Fort Chipewyan throughout the winter.

MR. SPEAKER: The motion is in order. To the motion, Mrs. Marie-Jewell.

MRS. MARIE-JEWELL: Thank you, Mr. Speaker. I was very disappointed at the fact that Parks Canada had told the community of Fort Smith that they no longer will be providing funding to maintain the winter road. My view in respect to transportation linkage into the Territories and in the Territories and throughout Canada is very, very critical, particularly in the North. This winter road has been open for many, many years. It has enabled the many relatives that live in Fort Smith to communicate with Fort Chipewyan on a

frequent basis and, in the last couple of years, allowed Fort Smith residents to enjoy being able to travel on this winter road as far as McMurray and even down to Edmonton.

Mr. Speaker, the cost to maintain this road is in the vicinity of \$40,000, and I certainly would like to see that every effort is made to ensure that this winter road continues as a winter road for the years to come. I would support the effort by cabinet, and I would appreciate the support from my colleagues in advising Wood Buffalo National Park that in order for their park to be successful in the North, every linkage or infrastructure of transportation has to be maintained.

MR. SPEAKER: Secunder of the motion. Mr. Zoe.

MR. ZOE: Question.

MR. SPEAKER: Question is being called. Would the mover of the motion care to conclude debate? Mrs. Marie-Jewell.

MRS. MARIE-JEWELL: Question, Mr. Speaker.

MR. SPEAKER: Question is being called. All those in favour? Opposed, if any? The motion is carried.

--- Carried

Motions.

Item 16, first reading of bills.

Item 17, second reading of bills. Item 18, consideration in committee of the whole of bills and other matters: Tabled Document 9-12(2), Strength at Two Levels; Tabled Document 10-12(2), Reshaping Northern Government; Motion 6-12(2), Discussion on Sobriety Clause in Contribution Agreements; Committee Report 10-12(2), Special Committee on Constitutional Reform Report on the Multilateral Conferences on the Constitution; Committee Report 16-12(2), Final Report on the Workers' Compensation Board; Tabled Document 62-12(2) Expo Report, with Mr. Nerysoo in the chair.

ITEM 18: CONSIDERATION IN COMMITTEE OF THE WHOLE OF BILLS AND OTHER MATTERS

CHAIRMAN (Mr. Nerysoo): What is the committee's wish? Mr. Koe.

MR. KOE: To deal with Committee Report 16-12(2), Final Report on the Workers' Compensation Board.

Page 824

CHAIRMAN (Mr. Nerysoo): Is that agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

Committee Report 16-12(2), Report Of The Standing Committee On Agencies, Boards And Commissions On Final Report On Review Of Workers' Compensation Board

CHAIRMAN (Mr. Nerysoo): Thank you. We will deal with the final report on the Workers' Compensation Board. Mr. Koe, chairman of the standing committee on agencies, boards and commissions, do you have any remarks?

Introduction

MR. KOE: We have a couple, sir. The standing committee on agencies, boards and commissions, under the authority given to it by this House, has completed a review of the Northwest Territories Workers' Compensation Board. Throughout the review process, the committee focused on the following aspects: submissions; composition; organizational structure and function of the Workers' Compensation Board; the statutory authorities given to the board under the Workers' Compensation Act; accountability systems within the board infrastructure and the role of the Minister responsible for the Workers' Compensation Board; the organization and operation of the appeals process established under the Workers' Compensation Act; working relationships between the board, the Minister's office, public interest organizations and related departments of the Government of the Northwest Territories; specific matters related to board organization and operation brought to the attention of the standing committee by public interest groups and by individuals; pertinent legislation, regulations and policy; Workers' Compensation Board position on the computation of pension payments for lump sum payout; policy issues surrounding the compensation of aboriginal persons who are injured during the course of, or arising out of, traditional harvesting activities; the adequacy of the years' maximum insurable remuneration; options and strategies for the enforcement of occupational health and safety standards and for the deliverance of effective workplace safety education; and larger issues surrounding the philosophy and fundamental principles for workers' compensation in the Northwest Territories.

The standing committee has met on several occasions during the second session of the 12th Legislative Assembly to consider these subjects. Public hearings were held in Yellowknife on May 11 through 13, 1992. Verbal, written and telephone submissions were received from organizations and individuals involved in the workers' compensation system. The committee wishes to acknowledge the co-operation and thoughtful input received from persons appearing as witnesses or submitting briefs during the public hearings in Yellowknife. In particular, the committee wished to note the prompt and cooperative response provided by the Workers' Compensation Board to requests for information and materials required during the course of the review. It is accurate to note that this review was launched largely in response to a number of concerns that were raised in public and during the first and second sessions of the 12th Legislative Assembly.

However, it should also be emphasized that the important role played by the government-created boards and agencies across the Northwest Territories requires that the Legislative Assembly take an active role in monitoring, assessing and making recommendations for the enhancement of all agency operations. It is felt that all boards and agencies would benefit from a regular process of review by the standing committee on agencies, boards and commissions regardless of whether concerns or complaints have been raised. On June 18, the standing committee on agencies, boards and commissions tabled Committee Report 11-12(2) which provides an interim report on certain urgent aspects of this review of the Workers' Compensation Board. This final report will deal with the additional issues of concern to the standing committee on agencies, boards and commissions.

The committee's review of fundamental principles underlying the workers' compensation process, recommendations for improving board organization and accountability, and new directions on key policy areas, are provided for consideration by the Legislative Assembly. This report contains commentary and recommendations on policy changes, legislative amendments and/or the need for further study and review. Where recommendations respecting the revision of board policy or procedure are supported by the Legislative Assembly, the expectation is that these should be implemented and that a response will be made according to time parameters indicated by this House.

Certain recommendations deal with prospective changes to the Workers' Compensation Act. In proposing these, the standing committee on agencies, boards and commissions is mindful of the fact that the Legislative Assembly, when reviewing the earlier interim report, has already passed a motion recommending a process for legislative review.

The standing committee's intent in bringing forward recommendations for legislative revision in this final report is not to stifle or predetermine the work of the Minister in preparing, or the findings of other committees which may review forthcoming legislative initiatives outlined in the legislative action paper. However, based on various submissions received during the public hearings, research undertaken at committee request, and an extensive process of discussion and review, the standing committee on agencies, boards and commissions has come to certain conclusions with respect to the need for legislative change. These are reflected in the committee recommendations for specific amendments which might be made to the act. They are offered as a way of allowing this Legislative Assembly to debate key elements of the board's statutory framework and through a motion of the House provide guidance to the Minister, which may assist in preparing the legislative action paper. In some cases, the standing committee on agencies boards and commissions carried out in-depth consideration of certain matters, but was unable to bring its examination to conclusion. Where these relate to amendments in the legislation, the standing committee has recommended that further review be carried out by the Minister or the board and that a prospective position be outlined in the legislative action paper.

It is hoped by the standing committee on agencies, boards and commissions, that this final report will offer not only a fresh and practical view of the important role which is played by the Workers' Compensation Board, but also offer new concepts and proposals that may prove helpful in providing a framework which best meets the needs of workers injured in the Northwest Territories.

General Observations And Recommendations

Fundamental Concepts

Reference is often made to the basic principles of the workers' compensation system in Canada. Throughout its review of the Northwest Territories Workers' Compensation Board, the standing committee on agencies, boards and commissions

attempted to keep these principles in mind and to consider the relevance for the Northwest Territories today. Much of the basic framework for contemporary systems of workers' compensation in Canada dates back to the early 1900s. In 1913, the Hon. Sir William Ralph Meredith produced a report for the Province of Ontario in which he set out a series of principles for laws relating to the liability of employers. These have become known as the Meredith principles, and still form the basis of workers' compensation across Canada. Simply stated, the Meredith principles are:

Page 825

- 1) The liability of employers for injuries in the workplace should be collective rather than individual, with employers paying into a central fund used to pay benefits to injured workers;
- 2) The benefits payable to injured workers must be guaranteed in the legislation;
- 3) In return for guaranteed compensation, workers have no legal right to sue their employer or co-workers for negligence resulting in a workplace injury. This is the historic compromise of the workers' compensation system;
- 4) The workers' compensation system is a no-fault system;
- 5) The system should be administered by a body independent of government with equal representation from labour and industry and a neutral chair; and
- 6) The board must have judicial-like authority for making final decisions on claims for compensation without an appeal to the courts.

In Canada, workers' compensation has become generally recognized as a system of social insurance. Coverage is usually compulsory and funded through assessments levied upon employers. The funds collected through this levy are then gathered into a common pool out of which benefits are paid to workers disabled as a result of their employment. In all Canadian provinces and territories, the administration and adjudication of claims is carried out by a corporation known in most jurisdictions as a Workers' Compensation Board. Across the country, benefits are considered to be payable whether or not the employer is at fault for the injury, and, generally, they are payable without regard to the fault on the part of the worker.

During its review of the Workers' Compensation Board in the Northwest Territories, the standing committee on agencies, boards and commissions was impressed with the fact that so much of the input received from public interest organizations focused on some of the most basic principles of the workers' compensation system. Submissions dealt with such matters as the nature of representation by labour and industry, the independence of the board from government, employer's option to seek individual liability coverage as opposed to the collective system provided under the Workers' Compensation Act, parameters surrounding third party liability issues, and even a question of who should be considered a worker.

One of the central questions facing the standing committee on agencies, boards and commissions quickly became whether or not the standard Canadian framework for workers' compensation is best suited to the needs of the Northwest Territories in the 1990s. The standing committee noted that there seems to be little or no trend across the country to move away from the basic principles that have defined Canada's system of provincial and territories workers' compensation coverage for the past 80 years.

However, it is true that times have changed to some degree since Justice Meredith brought forward his report on legislative principles. For instance, the range and scope of personal and corporate insurance have broadened somewhat, and, in some jurisdictions, provincial governments have become involved in the direct delivery of social insurance schemes. The principle that the injured worker can be best served by compulsory no-fault group coverage administered by an independent body may not be as true today as it was in 1913. As the workplace has become more sophisticated, questions have been raised as to what sort of situations should be covered as workplace injuries. With the emergence of organized labour in Canada during the 1930s and 1940s, it has assumed a spokesperson role for workers and most workers' compensation systems. It is more difficult now than ever before to identify how to ensure adequate representation for both organized and unorganized workers within the structural framework of workers' compensation boards. Notwithstanding the fact that some of the context may have changed since the Meredith principles were first stated, workers' compensation systems have not deviated much from them. Certainly, to depart too much from these principles could well throw the

delicate legislative and administrative framework for workers' compensation out of balance.

However, there are a number of additional principles that have been accepted as important basics within some provincial or territorial compensation schemes for workers. Benefits must be adequate for injured workers to maintain a lifestyle which approximates the one they had prior to their injury. Benefits must be guaranteed even in times of workplace crisis or catastrophe. Mechanisms should be in place to minimize delays, costs and friction between employers and workers. Legislation and policy governing the workers' compensation system should be understandable and accessible by the public. Decisions of the board administering workers' compensation should be generally in sync with the aspirations and perspectives of the general population, and there is a need for accountability systems to ensure that operational policy complies with statutory provisions and to maintain an acceptable level of administrative service.

Finally, there are some considerations about workers' compensation in the Northwest Territories that are not present elsewhere in Canada. Time lines for submissions of claims and other information have to be tailored to account for vast geographic differences within the jurisdiction. A proportion of non-resident claimants is much higher in the Northwest Territories than in other jurisdictions. This creates special challenges for the administration of claims, appeals and rehabilitation programming. Certain sectors of the northern economy are particularly susceptible to cycles of boom and bust, affecting employers' assessments from one year to the next. At certain times in the past, and quite likely this will be repeated again in the future, the devolution of programs and services to territorial authority has resulted in wild variation in the amount of assessment income realized by the Workers' Compensation Board. Major workplace sectors in the Northwest Territories are particularly susceptible to catastrophic accidents potentially capable of decimating the accident fund. Workers' compensation systems are based largely on features of a wage economy. This makes it very difficult to apply general principles to occupational groups which combine resource harvesting with traditional subsistence patterns. The communication of workers' compensation information decision and policy consultation must take the multi-lingual nature of the NWT into account. Investment of WCB funds should take into account its responsibility as a corporate citizen of the Northwest Territories to

support northern development. Long range planning for management of WCB funds must take into consideration the realities of territorial division and the evolution of Nunavut. The workers' compensation system which emerges for the NWT must find some way of combining these considerations with the basic building blocks that have formed the framework for workers' compensation since the concept took form in 1913. To a significant extent, this was much of the challenge that faced the standing committee on agencies, boards and commissions during its current review of the territorial Workers' Compensation Board.

Page 826

Frequently during its public hearings, the standing committee heard submissions from employers, affiliations and organized labour that suggested that input into decisions about the administration of the workers' compensation system should be confined to the stakeholder groups. These were generally defined as the people who pay into the system, the employers, and the people who take money out of the system, the workers. More often than not, the workers were assumed to be represented only by organized labour.

The standing committee on agencies, boards and commissions did not accept that viewpoint. In contrast, Members of the standing committee believed that there should be an increased recognition of the fact that everyone who works and lives in the NWT is, to a degree, a stakeholder in the workers' compensation system. Everyone in the NWT benefits from the workers who provide us with goods and services and are able to go about their responsibilities with a sense of confidence in their security. Everyone is affected by the manner in which assessments influence both costs and salaries. Should there be a situation which administrative decisions within the Workers' Compensation Board result in a shortfall that prevents a payment of claims, the Workers' Compensation Act would allow the consolidated revenue fund of the GNWT to be used to shore up the accident fund. This, of course, would allow the use of public funds.

There is an additional factor which makes the general public of the NWT a major stakeholder in workers' compensation issues. One of the measures of the qualities inherent in a society is the extent to which the society cares for injured and disabled people. The manner in which injured workers are treated within the NWT says something about all of us. The standing committee on agencies, boards and commissions felt

that this was an important point that should not be overlooked. In that respect it was noted on some occasions during public hearings that the Workers' Compensation Board of the NWT lacks sensitivity in meeting the needs of injured workers. This, if true, would be an unacceptable condition. Where perceptions of insensitivity to injured workers persists, the standing committee found them to be related directly to the inadequacies of the policy and legislative framework in which a board operated. This was conveyed clearly and well during the committee's public hearings by the chairman who pointed out that: "In listening to a number of the concerns that were expressed and in reference to the insensitivity involved, I found that much of it dealt with more of an insensitive policy, provisions of an act that is outdated and does not meet the requirement and the needs of the injured workers. I think this got turned into the fact that our staff are insensitive and that simply is not the fact."

These comments are underscored by the findings of a client service audit completed by the board in February 1991 which reported that, on balance, most of the problems that clients identify suggest that WCB personnel are willing and anxious to provide good service, but are hampered by policies and procedures which are unclear, contradictory or which may make sense, but where the WCB has failed to take the time and effort to train its personnel.

The standing committee on agencies, boards and commissions concurs with these assessments. Clearly, the focus for change within the workers' compensation framework must be placed on an updating of the legislation and policy upon which it operates. This is necessary not only from an administrative point of view, but because it will free the well qualified and dedicated staff that work at service delivery levels to maximize their existing willingness to meet the needs of their client groups.

The standing committee, upon its review, is of the opinion that in many ways the service provided by the Workers' Compensation Board has met the needs of employers and workers. The fact that this jurisdiction is one of only three boards in Canada to maintain a fully funded status accepted, at least to some degree, is an illustration of the administrative competence of the board and its staff. As well, recent initiatives of program and service evaluation within the board have demonstrated a commitment to quality service.

However, the standing committee also heard a convincing body of evidence which indicates that

many injured workers served by the Workers' Compensation Board are experiencing difficulties. The pain apparent in their situations, the sense of frustration with the board's decisions on claims, and incredible pressure under which these people must meet the requirements of day-to-day living, was undeniable. Clearly, there is a need to ensure that their welfare is not overlooked.

The standing committee became increasingly concerned about the frequency with which it heard the perception that the internal focus of the board has shifted too far toward financial wardenship and too far away from insuring that an understanding, accommodating image is presented to its constituent public with emphasis on strict policy interpretation, curt and legalistic language in its correspondence, an office environment which appears sterile and daunting. These may all be elements that create a sense that the board is detached and high-handed. Even claimants who find the board staff to be pleasant and courteous, have expressed frustration at their inability to explain a rationale for board policy and procedure. A segment of the claimant population seems to feel that organizational culture within the Workers' Compensation Board is dehumanized, unresponsive and even adversarial.

The committee noted that consultation with injured workers on policy formulation issues has not been a high priority. Levels of community consultation have been inconsistent as well, particularly outside the relatively narrow circle of groups identified as primary stakeholders. Confusion and suspicion appeared to have existed for some time with regard to this agency's relationship with the Minister and the Legislative Assembly. There has been a disregard for the benefits of establishing a regional presence.

Accordingly, the ABC committee concluded that there is a range of issues which may relate to the manner in which the board is organized and operates, to its relationship with the Minister and the Legislative Assembly and certain policy issues which require immediate review. These will be the focus of the remaining sections of this report.

Year's Maximum Insurable Remuneration

When the standing committee on agencies, boards and commissions tabled its interim report on June 18, 1992, the Legislative Assembly supported a recommendation that the Workers' Compensation Act should be amended to increase the year's maximum insurable remuneration, YMIR.

The standing committee has noted the prompt attention of the Minister responsible for the Workers' Compensation Board in bringing forth a bill which would affect an increase in the YMIR by amending the Workers' Compensation Act. It is hoped that the government will not stop there and that there will be an ongoing process through which adjustments can be made in the YMIR to reflect the economic conditions of our time.

Page 827

Section three deals with the legislative review.

A Full Legislative Review

It was felt that this process would provide an unprecedented opportunity for public input into the composition of the territorial Workers' Compensation Act and underscore that responsibility for the legislative framework lies with the elected Members of the Legislative Assembly. To assist the review process, the standing committee on agencies, boards and commissions is also proposing several additional recommendations for amending the Workers' Compensation Act,

Mr. Chairman, I have asked other committee Members to continue with the report and I will ask, if I may, Mr. Lewis to continue.

CHAIRMAN (Mr. Nerysoo): Thank you. Mr. Lewis.

Board Organization And Structure

MR. LEWIS: There are four recommendations in this section, so we may not have a quorum when we get to the motions. In keeping with the mandate given to it by the Legislative Assembly, the standing committee on agencies, boards and commissions reviewed implications arising from the organization of the Workers' Compensation Board and considered options through which the board structure could be enhanced. As a general observation, the standing committee was concerned that the sphere of influence that has surrounded the board's operational decision-making and strategic planning has become narrowed and not reflective of the entire Northwest Territories.

There is a sense in some quarters that the board should be responsive to, and representative of, only certain employers' associations and organized labour who see themselves as the exclusive stakeholders in the workers' compensation system. While these public bodies purport to represent the interests of member disciplines throughout the Northwest Territories, the

standing committee was concerned that the perspectives of unorganized workers and of employers who are not closely affiliated with the larger industry associations must not be lost. Typically, the best way to broaden the frame of reference for any board is to ensure that the structure for membership composition allows for the appointment of various interests and viewpoints.

The standing committee on agencies, boards and commissions was of the opinion that the operation of the Workers' Compensation Board would be greatly facilitated by ensuring that its membership composition should reflect our diverse cultural and regional interests. Currently, this breadth is lacking. The majority of members have been resident in Yellowknife and the board has devoted little time or energy to interfacing with the people and communities of other regions,

The standing committee became aware that a body of opinion exists which suggests that there is no benefit to ensuring adequate regional, women's or aboriginal representation. During the public hearings, for instance, Members of the standing committee listened carefully to a presentation provided on behalf of a group calling itself the Northern Employers' Council on Workers' Compensation. This group took the position that: "The drive to make board appointments based on political considerations of ethnicity, regionalism or gender can result in a board lacking the skills and understanding to adequately perform its duties. We cannot support such appointments."

The standing committee on agencies, boards and commissions rejects this position completely. Such a statement conveys the thought that decisions to appoint persons who bring an alternate perspective are born from political motivations only. It devalues "skills and understanding" of persons appointed because they represent regional, aboriginal or women's perspectives. To the contrary, Members of the standing committee on agencies, boards and commissions believed that the understanding, skill and especially the creativity of the Workers' Compensation Board would be enhanced by a wider range of perspectives and backgrounds.

It is, of course, necessary to ensure that the valuable perspectives of the various industry associations and organized labour continue to be represented within the membership framework of the Board. Indeed there is much merit to amending the Workers' Compensation Act to require that a proportion of the board is recommended by industry groups and an

equal proportion is recommended by organized labour. But, at the same time, some way must also be found to broaden the composition of the board to reflect the full richness of our northern society.

The standing committee on agencies, boards and commissions was concerned that there is not presently room within the five-member structure to ensure that a variety of perspectives can be represented. It was felt that, if the board was established as a nine-member body, there would be additional opportunity for successive members to make appointments reflective of a broader range of interests.

Motion To Accept Recommendation 1, Carried

I move, Mr. Chairman, that the Workers' Compensation Act be amended so that the board will be composed of: a) two directors appointed by the Minister on the recommendation of organized labour; b) two directors appointed by the Minister on the recommendation of the representatives of employers; and c) five additional directors appointed by the Minister, one of whom is to be appointed by the Minister as chairperson of the board.

That is the motion under recommendation 1, Mr. Chairman.

CHAIRMAN (Mr. Nerysoo): Thank you. The motion is in order. However, we cannot proceed until we have a quorum. To the motion. As I indicated, the motion is in order.

AN HON. MEMBER: Question.

CHAIRMAN (Mr. Nerysoo): Question has been called. All those in favour? All those opposed? The motion is carried.

---Carried

Mr. Lewis.

MR. LEWIS: Thank you, Mr. Chairman. If adopted, this revised structure would result in a nine-member board. It would also provide a statutory requirement that the Minister responsible for the Workers' Compensation Board should make appointments which represented the interests of organized labour and industry associations. At the same time, it would provide for a chairperson independent of those interests, and that ample opportunity for the appointment of individuals capable of representing a variety of northern perspectives. It would also allow

the Minister to appoint individuals who could offer certain specific skills or background knowledge required by the board for efficient operation at that point in time.

Page 828

I come to the second recommendation, Mr. Chairman. To clarify the intent of the expanded membership and as guidance for decisions surrounding board appointments, I move the following motion:

Motion To Accept Recommendation 2, Carried

I move that the Minister appoint four of the additional directors of the board according to criteria that will establish a full cross-section of background and opinion on the board, including but not limited to, regional representation, representation of both genders and representation of aboriginal perspectives.

CHAIRMAN (Mr. Nerysoo): The motion is in order. To the motion.

AN HON. MEMBER: Question.

CHAIRMAN (Mr. Nerysoo): The question has been called. All those in favour? All those opposed? The motion is carried.

--- Carried

Mr. Lewis.

MR. LEWIS: Thank you, Mr. Chairman. The standing committee was also aware that smooth operation within the board depends on continuity of membership. Historically there have been periods when all appointments have been due to expire concurrently. A wholesale turnover of board members is not in the best interests of the organization. Should board members reach a point in their tenure when they become better suited to meet challenges elsewhere, the organizational framework should provide the Minister with the ability to not renew their appointments, while still maintaining confidence in the continuity of the board. This can be achieved by staggering the appointment dates so that board members' terms overlap each other. It is unnecessary to reflect this practice in legislation, but rather for the Legislative Assembly to provide it as a general principle to be followed by the Minister responsible for the Workers' Compensation Board. Therefore, the third motion, Mr. Chairman:

Motion To Accept Recommendation 3, Carried

I **MOVE** that the Minister responsible for the Workers' Compensation Board make appointments so that no more than 50 per cent of the members' terms will expire in any one fiscal year.

CHAIRMAN (Mr. Nerysoo): Thank you. The motion is in order. To the motion.

AN HON. MEMBER: Question.

CHAIRMAN (Mr. Nerysoo): The question has been called. All those in favour? All those opposed? The motion is carried.

--- Carried

Mr. Lewis.

MR. LEWIS: The standing committee on agencies, boards and commissions spent some time reviewing the role of the chairperson of the Workers' Compensation Board. The committee was interested to note that the final report of the 1989 review committee recommended, and I quote, that the position of the chairman be maintained as a full-time position for the first year, but that the new incumbent reduce his involvement over the next three years so that position can be performed on a part-time basis. The 1989 review committee also recommended that at the end of the chairperson's three year term, the Minister re-assess whether the position should be full or part time.

In its response to these recommendations, the Workers' Compensation Board indicated that the concept is an acceptable goal and it will be reviewed annually.

The standing committee on agencies, boards and commissions is of the opinion that the 1989 review committee's recommendations were well reasoned and appropriate at the time in which they were made. The role of the chairperson should never have been intended to evolve into a full-time permanent senior official. However, the stressful transition period in which the agency found itself in 1989 necessitated that the chairperson assume a full-time role to assist the general manager. Unfortunately, there is still a sense of transition which may, for the time being, require an additional period of full-time involvement and leadership by the chairperson. The Minister should assess whether or not the full-time services of a chairperson will be required over the course of the next year to 18 months. If so, this involvement should

be scheduled to revert to a part-time position by the time a comprehensive amendment to the Workers' Compensation Act have completed all stages of review and passage, sometime early in 1994.

Beyond meeting these short term operational needs, there should be no mistake that the position of chairperson on the Workers' Compensation Board should remain a part-time commitment. For that reason, the standing committee on agencies, boards and commissions is of the opinion that the act should stipulate that the chairperson is to serve a part-time function with the board. And so I come to the final recommendation of this section, Mr. Chairman.

Motion To Accept Recommendation 4, Carried

I **MOVE** that the Workers' Compensation Act be amended to specify that the chairperson's duties will be equivalent to that of part-time employment.

CHAIRMAN (Mr. Nerysoo): Thank you, Mr. Lewis. The motion is in order. To the motion.

AN HON. MEMBER: Question.

CHAIRMAN (Mr. Nerysoo): The question has been called. All those in favour? All those opposed? The motion is carried.

--- Carried

Mr. Bernhardt.

Regional Presence For Workers' Compensation Board

MR. BERNHARDT: Mr. Chairman, part five, a regional presence for the Workers' Compensation Board. The standing committee on agencies, boards and commissions was concerned about the failure of the board to establish a profile outside of Yellowknife. The committee was made aware of the argument that because the majority of reported claims are received from the Fort Smith region, the board must maintain its central location. However, it may be useful to know that the 1991 annual report tabled in the Legislative Assembly on June 22, 1992, showed that the proportion of claims from the Fort Smith Region has decreased from 67 per cent of the total in 1989, to 59 per cent of the total in 1991. Increases in the relative number of claims from the Kitikmeot and Baffin Regions were observed over the course of the same period. Only time will tell whether this is a signal of a shift in the proportional distribution of claims reported by the region.

The client service audit completed by the Workers' Compensation Board in February of 1991 indicates that, for the most part, there are few differences in the levels of satisfaction reported by workers and employers in various regions. However, the standing committee on agencies, boards and commissions was concerned that workers in locations outside of Yellowknife may know less about the board and its services. Certainly the fact that northern communities outside Yellowknife has been almost non-existent by members of the board, and rare at best by staff, has provided little opportunity for this agency to develop a profile across the Northwest Territories.

The standing committee on agencies, boards and commissions has noted that one of the central goals of the Workers' Compensation Board is to communicate and promote an understanding of workers' compensation. The standing committee feels that new approaches will be necessary in order for the board to fulfill that goal in locations outside Yellowknife or the rest of the Fort Smith Region. The standing committee was concerned that in many communities across the Northwest Territories, neither the role nor the procedures of the Workers' Compensation Board are well understood. The organization is seen as large, depersonalized, and Yellowknife-based.

Part of the stated responsibility of the workers' advisors on workers' compensation matters, is to travel to communities outside the larger centres, and the standing committee on agencies, boards and commissions was concerned to learn that no specific budget had been allocated for this purpose. Discussion with the workers' advisor during public hearings revealed that outreach travel to smaller communities had not been possible to date. Recommendation 5, Mr. Chairman:

Motion To Accept Recommendation 5, Carried

I move that the role of the workers' advisor be clarified with respect to responsibilities for communicating and promoting and understanding of workers' compensation in communities across the Northwest Territories; and further, that adequate funding be allocated to support activities undertaken in this area by the workers' advisor.

CHAIRMAN (Mr. Nerysoo): Thank you. I believe the motion was that the committee recommends. Is that

the motion?. Thank you, Mr. Bernhardt. The motion is in order. To the motion.

AN HON. MEMBER: Question.

CHAIRMAN (Mr. Nerysoo): Question has been called. All those in favour? Opposed, if any? The motion is carried.

--- Carried

Mr. Bernhardt.

MR. BERNHARDT: Mr. Chairman. A properly funded outreach program utilizing the office of the workers' advisor would undoubtedly make progress toward increasing general awareness of the board and the principles on which workers' compensation is based. It would not, in most cases, address the needs of injured workers who have questions about information requirements or time lines; persons who do not speak or write English or employers who wish clarification on board policy. It is not sufficient to take the approach that these individuals should pick up the phone and call Yellowknife. Enhanced communication and understanding can be facilitated by ensuring that there is a regional resource person in place to assist perspective clients and to respond to general information with the press. Generally people feel more comfortable in asking and more confident in trusting a member of their own community or region than an official telephone in the capital city several thousands of kilometres away.

The standing committee on agencies, boards and commissions was of the opinion that the volume of requests for assistance or information in any one region would not justify the establishment of regional offices or the allocation of full-time personnel. However, the standing committee believed that there could be considerable promise in the concept of establishing agreements which would ensure that a resource person was available on an as needed basis in regional centres or larger communities. One approach might be for the Workers' Compensation Board to establish agreements with regional health boards and in some cases hospital boards to identify a senior nursing professional or other senior health care officials who could serve as a regional resource. Through a moratorium of understanding the health or hospital board would build a Workers' Compensation Board on a fee for service base for hours spent by the regional resource person in dealing with workers' compensation matters. This would have the advantage of placing in each region at minimal

administrative costs, a knowledgeable resource person capable of serving as an information conduit and providing interpersonal support of both workers and employers.

Motion To Accept Recommendation 6, Carried

I **MOVE** that the Workers' Compensation Board establish memoranda of understanding with regional health boards and hospital boards to provide resource and supportive services to regional clientele.

CHAIRMAN (Mr. Nerysoo): The motion is in order. To the motion.

AN HON. MEMBER: Question.

CHAIRMAN (Mr. Nerysoo): Question has been called. All those in favour? Opposed, if any? The motion is carried.

---Carried

Mr. Bernhardt.

MR. BERNHARDT: The standing committee felt that other reasons existed for the establishment of a regional presence by the Workers' Compensation Board just as it is important to ensure that trying to live and work in regional settings across the NWT understand the board. It is also important for the board to be familiar with the character and issues of the regions, this is particularly critical with respect to the boards current direction toward involvement in work place safety education.

The committee was concerned that the awareness of regional character and familiarity with work place issues of importance to residents outside Yellowknife is not currently present within the Workers' Compensation Board. The committee believed there is significant benefits to be gained by any territorial board that takes the time and makes the commitment to visit northern communities outside its home base. The opportunity to associate faces to voices heard over the telephone, to meet and communicate with community leaders and to obtain the first hand awareness of local plans and projects that will involve workers, are all factors that would enhance the performance of the Workers' Compensation Board.

A two way exchange of information in the establishment of relationships builds trust and confidence at the local and regional level and would go a long way to removing perceptions that the

Workers' Compensation Board is a monolithic, distant administrative body.

Page 830

The standing committee felt this as summed up well with comments made by the NWT Association of Municipalities during their public hearings: "I think that the WCB, which is appointed by the territorial government, had best be looking at its own organization. The Association of Municipalities moves its board around three times a year and even moved our annual general meeting this year. I think that, as an association, we recognize that here is our headquarters, but there is absolutely nothing wrong with spending the extra dollars to move the board around to get that kind of input."

The standing committee on agencies, boards and commissions agrees that the benefits of first-hand experience outside the confines of Yellowknife and the Fort Smith Region, would greatly assist policy formulation and administrative decision-making within the board.

Motion To Accept Recommendation 7, Carried

Mr. Chairman, I **MOVE** that the Workers' Compensation Board develop a strategy for meeting outside Yellowknife on several occasions over the course of each year to conduct business and acquaint itself with the issues and people of the regions.

CHAIRMAN (Mr. Nerysoo): I believe that the motion moves that the committee recommends. I would again remind Members here that when you are introducing motions it should be prefaced with I move that "this committee recommends." That is the way in which a motion should be introduced with the committee. An individual is not introducing the motion but rather the committee is making the recommendation. Just so that you are aware of that. The motion is in order.

AN HON. MEMBER: Question.

CHAIRMAN (Mr. Nerysoo): Question has been called. All those in favour? All those opposed? The motion is carried.

--- Carried

Mrs. Marie-Jewell.

Board Accountability

MRS. MARIE-JEWELL: Thank you, Mr. Chairman. With respect to board accountability, the standing committee on agencies, boards and commissions was very interested from the outset of its review in examining questions examining the accountability framework for the Workers' Compensation Board. Clearly, any government-created agency must exist within a system which allows evaluation of whether it is meeting its goals and fulfilling its mandate. The Workers' Compensation Board is certainly responsible for ensuring that internal procedures used for handling funds and making payments are monitored and evaluated. However, the assessment of whether the board is accomplishing the functions established under legislation and developing in directions best suited to meet the needs of the people of the NWT, cannot be solely the responsibility of the board.

Where should accountability lie for the board? The standing committee on agencies, boards and commissions takes the position that it lies with the Legislative Assembly. The direct responsibility for ensuring that the board is accountable in the larger sense, lies with the Members of the Executive Council, who is appointed as Minister responsible for the Workers' Compensation Board.

The standing committee on ABCs recognizes that considerable confusion exists with respect to the relationship between the Minister and the board and to the role which the Minister should play in ensuring that the board is held accountable for its decisions. Within this confusion there has been seen to be a sense of powerlessness and uncertainty on the part of all players with respect to how far a Minister can go in directing the activities or development of the board and what vehicles exist for ensuring board accountability.

This may be compounded by the manner in which the existing Workers' Compensation Act frames the board's statutory authority for jurisdiction. Subsection 7.(1) of the act states that the board has the exclusive jurisdiction to examine, inquire into, hear and determine all matters and questions arising under this act.

Subsection 7.(2), without restricting the generality of provisions dealing with the board's exclusive jurisdiction, provides an illustrative listing of matters that the board has authority to examine, inquire into, hear and determine. These include such things as determining whether an accident is within the meaning of this act, whether earning capacity has

been impaired by reason of an accident, and the degree in which it has been impaired and so on.

The standing committee on agencies, boards and commissions agreed that there is no question that control of the claims process and decision-making must remain with the Workers' Compensation Board. There is little benefit for the Legislative Assembly, its committees or cabinet in risking the perception of political patronage in decisions surrounding the size, nature or processing of the compensation payments. More importantly, there is no benefit to the workers' compensation system or to the people of the NWT that it has been developed to serve.

There are however, a range of other questions arising under the act which relate to whether the board is fulfilling its general mandate. It is legitimate, for instance, for the Minister to be directly involved in strategic planning for the delivery of services and any decisions to develop programs and services in areas for which other government agencies or departments are mandated. Standards for the conduct of ministerially appointed directors and officials cannot be assumed to be developed by the board in the absence of bias. To some degree, actions to ensure that interpretation of the Workers' Compensation Act are consistent with the understanding of the Legislature when the act was enacted, can be seen to fall within the jurisdiction of the Minister and Legislative Assembly.

Motion To Accept Recommendation 8, Carried

Therefore, Mr. Chairman, the standing committee on agencies, boards and commissions recommends that the Minister review the definition of "exclusive jurisdiction" in subsections 7.(1) and 7.(2) of the existing Workers' Compensation Act; and further, the committee moves that a new formulation for board authority be included for discussion in the legislative action paper.

CHAIRMAN (Mr. Nerysoo): Thank you. The motion is in order. To the motion.

AN HON. MEMBER: Question.

Page 831

CHAIRMAN (Mr. Nerysoo): Question has been called. All those in favour? All those opposed? The motion is carried.

---Carried

Mrs. Marie-Jewell.

MRS. MARIE-JEWELL: Thank you, Mr. Chairman. It is the assent of the standing committee on ABCs that presently the Minister responsible for the Workers' Compensation Board is quite limited to the role he can take in ensuring that the board is meeting the needs of people across the NWT. He can appoint directors to the board and members to the appeals tribunal, and should these individuals fail to meet the criteria he establishes for serving the interests of the NWT, he can ask for their resignation or fail to reappoint them upon term expiry.

He can establish periodic reviews which provide recommendations. However, it is not incumbent on the board to accept or implement the recommendation of any ministerial review committee. In fact, a significant number of the recommendations provided by review panels in 1986 and 1989 have still yet to be followed through. He can introduce new legislation or amend the existing act. He can exercise some authority for the review of the board's corporate plan under the terms of the territorial Financial Administration Act. He can use informal powers of persuasion associated with his good offices as a Member of the Executive Council.

It is the opinion of the standing committee on ABCs that this range of authorities is sufficiently narrow; that practical constraints are placed on how much influence the Minister has over the operations and policy of the board. Yet in the NWT when concerns are raised about the performance of the WCB, it is the Minister not the board, who has been held accountable by the Legislative Assembly, and ultimately the public.

The committee takes the position that the Minister should be more directly involved in certain aspects of board operation. While the standing committee recognizes and agrees with the Meredith principles, which require that the workers' compensation be administered independently and at arm's length from the government, it is clear that the nature of that arm's length relationship should be considered for redefinition.

The standing committee noted that it was not alone in this view. In 1989 an independent review committee structured to represent the views of employers' organizations and labour, made the following recommendation: "11) that the Minister responsible for the Workers' Compensation Board be empowered to take a more active role in monitoring the

management of the board. The Minister should ensure that the needed management reforms are carried out within one year, and on an ongoing basis, should verify that the board can assure it being operated with due regard to efficiency and economy; 62) that in future the Minister responsible for the Workers' Compensation Board be involved by the board in any major projects or policy decisions that involve significant financial or other implications on employers and workers. Policy guidelines should be established for such involvement.

"This recommendation is not intended to reduce the autonomy of the board. However, it must be recognized that for all practical purposes the Minister is ultimately accountable in the Legislative Assembly for the board and must provide an appropriate level of leadership to the board, dependent upon the situation. It is the finding of this panel that the board has not satisfactorily fulfilled its accountability to the public on its own."

The standing committee on ABCs concurs with the position taken by the 1989 review committee. However, the standing committee was quite concerned by the nature of the formal response from the WCB to these recommendations. In a response document issued on August 2, 1991 the board states: "11) Had the Minister taken a more active role in the monitoring of the management of the board would conflict with the role of the board of directors. It is their role to monitor management not the Minister. It must be kept in mind that the WCB is not a department of government but a statutory corporation at arms length from the government; 62) The board of directors through the chairman keeps the Minister apprised of any issues that they feel may have political impact."

It is clear to the standing committee on agencies, boards and commissions that the board was not prepared to consider seriously the recommendation of the 1989 review committee.

Motion To Accept Recommendation 9, Carried

Mr. Chairman, therefore the standing committee on agencies, boards and commissions moves that the Minister responsible for the Workers' Compensation Board be empowered to take a more active role in the monitoring and management of the board; and further, that the Workers' Compensation Act be amended to reflect the nature of that increased role; and further, that draft policy and/or regulations required for the implementation of the Minister's increased authorities be available for review at the

time when amendments to the Workers' Compensation Act are introduced.

CHAIRMAN (Mr. Nerysoo): Thank you. I believe that the motion introduction was "I move that this committee recommends," with that the motion is in order. To the motion.

AN HON. MEMBER: Question.

CHAIRMAN (Mr. Nerysoo): Question has been called. All those in favour? Opposed, if any? The motion is carried.

---Carried

Mrs. Marie-Jewell.

MRS. MARIE-JEWELL: Currently section 91 of the Financial Administration Act requires that each year all territorial corporations among which the Workers' Compensation Board is included, submit their corporate plan and obtain the approval of the Minister. In summary, corporate plans must include the following information:

The purpose for which the territorial corporation is established; the objectives of the territorial corporation for the period covered by the plan; the strategy to be used in meeting objectives; the expected performance of the territorial corporation as compared to its last set of approved objectives; and an evaluation of the efficiency, economy and effectiveness of the territorial corporation.

Subsection 91.(5) provides that "no territorial corporation shall carry on any business or act" in any period in a manner that is not consistent with the last approved corporate plan' or approved amendment.

This statutory provision is a useful tool in ensuring the accountability of the Workers' Compensation Board.

Motion To Accept Recommendation 10, Carried

Therefore, I move that standing committee on agencies, boards and commissions recommends that the Minister responsible for the Workers' Compensation Board make it a practice to table in the Legislative Assembly the corporate plan received annually from the Workers' Compensation Board.

Page 832

CHAIRMAN (Mr. Nerysoo): I believe that the introductory was "I move that the committee

recommends," with that, the motion is in order. To the motion.

AN HON. MEMBER: Question.

CHAIRMAN (Mr. Nerysoo): Question has been called. All those in favour? Opposed, if any? The motion is carried.

--- Carried

Mrs. Marie-Jewell.

MRS. MARIE-JEWELL: In 1990 the Workers' Compensation Board contracted a private firm to develop the format for a strategic plan. Since then the strategic plan has been completed internally as a yearly planning and program evaluation exercise. The standing committee on agencies, boards and commissions was given to understand that it has been the practice of the board to forward a copy of the annual strategic plan to the Minister.

Again the strategic planning process provides an excellent opportunity for the Minister and the Legislative Assembly to exercise an element of accountability over the directions the board wishes to take while still maintaining a critical arm's length relationship from the management of claims, assessments and other administrative responsibilities.

Motion To Accept Recommendation 11, Carried

Mr. Chairman, therefore I move that the standing committee on agencies, boards and commissions recommends that the Workers' Compensation Act be amended to include provisions for the Minister responsible for the Workers' Compensation Board to receive, approve and table the strategic plan of the Workers' Compensation Board on an annual basis; and further, that the legislative action paper outline legislation options for limiting the board's operational capacities until ministerial approval of the strategic plan has been obtained.

CHAIRMAN (Mr. Nerysoo): I believe the motion is prefaced "I move that this committee recommends," with that change the motion is in order. To the motion.

AN HON. MEMBER: Question.

CHAIRMAN (Mr. Nerysoo): Question has been called. All those in favour? Opposed, if any? The motion is carried.

--- Carried

Mrs. Marie-Jewell.

MRS. MARIE-JEWELL: Mr. Chairman, I would like to move that we extend sitting hours until we have completed the document under consideration.

CHAIRMAN (Mr. Nerysoo): The motion is in order. To the motion.

AN HON. MEMBER: Question.

CHAIRMAN (Mr. Nerysoo): Question has been called. All those in favour? Opposed, if any? The motion is carried.

---Carried

Mrs. Marie-Jewell.

MRS. MARIE-JEWELL: Of course the most effective and efficient way to ensure that the Workers' Compensation Board is held accountable for its actions is to establish a process through which appropriate levels of consultation occur before strategic planning and policy formulation take place. The standing committee noted however that during the public hearings submissions from several industry associations and labour organizations suggested that general involvement in the consultation process should be limited. A representative of the Northern Employers Council on Workers' Compensation even went so far as to suggest that the overriding principle should be, "If you pay, you play."

The committee is of the opinion that the Minister should not limit his consultative network and was quite concerned by his comment during the May 13th public hearing that: "I feel that primary contacts would be the NWT Chamber of Commerce, the Construction Association, the Chamber of Mines and, as well, organized labour. I feel that as long as it is made clear that I am simply considering representations, there is no reason why I should not keep my doors as open as possible."

With respect to the Minister, the committee is of the opinion that his lists of "primary contacts" for consulting on Workers' Compensation Board issues should be considerably broader. At the public hearings the submission received from the NWT Chamber of Mines emphasized the fact that: "it is strange that a majority of the business workers, mining workers, construction workers and transportation workers, in essence the majority of workers that create the wealth in the NWT are not

part of organized labour and therefore are not represented on the Workers' Compensation Board."

The committee also found it relevant that the government's own Strength at Two Levels report, when dealing with the matter of government-created boards and agencies, comments that: "Northern government in the 1990s should strengthen the role of the elected representatives at the territorial and community levels. In order for elected and accountable officials to assume greater control over the real 'bread and butter' programs, the elected government structures must not be undermined."

While the standing committee on agencies, boards and commissions has made several recommendations which do not parallel all of the Strength at Two Levels philosophy, this is the one area in which there is agreement. There should be a role for Members of the Legislative Assembly to play when the Minister is consulting on matters related to the Workers' Compensation Board or other agencies created by territorial legislation. The Members of the Legislative Assembly should be listed among its primary contacts on workers' compensation issues.

Motion To Accept Recommendation 12, Carried

I move that the Minister develop and table a process for receiving input from employee and employer groups, as well as the Legislative Assembly, unorganized labour and injured workers with respect to board appointments, policy considerations and legislative initiatives.

CHAIRMAN (Mr. Nerysoo): Thank you. The motion is in order.

AN HON. MEMBER: Question.

CHAIRMAN (Mr. Nerysoo): Question has been called. All those in favour? All those opposed? The motion is carried.

Page 833

---Carried

Mrs. Marie-Jewell.

MRS. MARIE-JEWELL: Finally, the standing committee on agencies, boards and commissions took note of the fact that several submissions received during the public hearings highlighted a need for a mandatory process of legislative review. Indeed, the standing committee was concerned to see that the

current legislation has remained, to a large part, unchanged since the old ordinance was enacted in February 1977.

Since that time there have been nine amendments to the Workers' Compensation Act. Six of these have been simple increases to the years maximum insurance remuneration, amended in 1980, 1981, 1983, 1986 and 1988. The amendments in 1986 also adjusted the figure for average monthly remuneration. The remaining amendments have included: the inclusion of provisions for coverage of traditional hunters' and trappers' claims in 1987; a change in the size of the board, reducing the membership from 11 members to five members, and establishing the Minister, rather than the Commissioner, as the authority for making board appointments, in 1989; and the establishment of an appeals tribunal, in 1990.

The interim report tabled by the standing committee on agencies, boards and commissions refers to the fact that significant changes have taken place since 1977. These include new concepts of occupational injury and disease, new principles surrounding work place health and safety, and an evolving form of ministerial government within our political system. It is perhaps astonishing that, over several successive governments, no priority has been placed on a comprehensive revision of the act to ensure that it has kept pace with these developments.

The standing committee on agencies, boards and commissions is of the opinion that the regular review and amendment of this act is essential to ensure that the compensation of workers is in step with current factors in the northern workplace and new principles emerging in other jurisdictions.

Motion To Accept Recommendation 13, Carried

Therefore, Mr. Chairman, I move that this committee recommends that the legislation action paper include a review of options for statutory requirements which would establish a regular process of periodic review.

CHAIRMAN (Mr. Nerysoo): Thank you. The motion is in order. To the motion.

AN HON. MEMBER: Question.

CHAIRMAN (Mr. Nerysoo): Question has been called. All those in favour? All those opposed? The motion is carried.

--- Carried

Mr. Dent.

The Appeals Process

MR. DENT: Thank you, Mr. Chairman. I am going to be presenting the section on the appeals process. During its review, the standing committee on agencies, boards and commissions considered several aspects of the appeals process presently in place under the act. Generally, the standing committee was of the opinion that the appeals process is sound and performing the purpose for which it was intended. Currently appeals are considered by a review committee appointed by the Workers' Compensation Board and then, if further appealed, by a ministerially-appointed appeals tribunal. Generally the standing committee on agencies, boards and commissions was of the opinion that the structural framework for the appeal of Workers' Compensation Board decisions is sound.

The standing committee was interested, however, in noting a potential area for enhancing the process through which claims adjudicators' decisions can be reconsidered. If a claim is denied, the former practice was that it would be referred to the manager of the section for re-examination of the decision. On November 30, 1990, this process was eliminated. This meant that the option available to the injured worker was then to initiate the first level of appeal and apply for the decision to be considered by the review committee.

The standing committee on agencies, boards and commissions felt that the process of managerial review would avoid channelling some disputed claims into the appeal process, which some may perceive as cumbersome, intimidating and adversarial. It was noted that the submission received from the workers' advisor included a recommendation that the procedure revert to its earlier format.

Motion To Accept Recommendation 14, Carried

Therefore, Mr. Chairman, the standing committee on agencies, boards and commissions recommends, and I move that this committee recommends, that the Workers' Compensation Board reinstate policy through which claimant files are reviewed by the manager of claim services prior to the appeal process.

CHAIRMAN (Mr. Nerysoo): Thank you. The motion is in order. To the motion.

AN HON. MEMBER: Question.

CHAIRMAN (Mr. Nerysoo): Question has been called. All those in favour? All those opposed? The motion is carried.

---Carried

Mr. Dent.

MR. DENT: Thank you, Mr. Chairman. With respect to the review committee, the standing committee on agencies, boards and commissions noted that under sections 24 and 64 of the Workers' Compensation Act, the board is allowed to appoint a review committee to form the first stage of appeals related to claims or assessments. A standing review committee is appointed in order to provide consistency and develop expertise in the application of the act and policy.

The standing committee on agencies, boards and commissions expressed some concern over the fact that appointments to this standing review committee are made by the board itself. The temptation to appoint outgoing board members in appreciation for their past service or to structure the review committee membership to achieve a certain type of outcome may never be realized, but could create an appearance of bias in the selection process.

Motion To Accept Recommendation 15, Carried

Therefore, the standing committee on agencies, boards and commissions recommends, and I move that this committee recommends, that the Minister review existing provisions in the Workers' Compensation Act with respect to board appointment of the review committee membership; and further, that the Minister include in the legislative action paper a consideration of advantages inherent in a ministerially appointed review committee.

Page 834

CHAIRMAN (Mr. Nerysoo): Thank you. The motion is in order. To the motion.

AN HON. MEMBER: Question.

CHAIRMAN (Mr. Nerysoo): Question has been called. All those in favour? All those opposed? The motion is carried.

---Carried

Mr. Dent.

MR. DENT: Thank you, Mr. Chairman. The standing committee on agencies, boards and commissions spent some time considering the structure and function of the appeals tribunal established under part 1.1 of the Workers' Compensation Act. The standing committee recognized that the tribunal came into being on April 11, 1990, and in many ways is still establishing its niche within the workers' compensation infrastructure.

Because of that, a comprehensive evaluation of the process used by the appeals tribunal would have been somewhat premature. Members of the standing committee did note, however, that the number of appeals reaching the appeals tribunal during its first two years of operation has not been overwhelming. This may be due to a backlog at the review committee stage of the appeals process and the tribunal chairperson indicated during the public hearings that he would anticipate a larger number of appeals in the upcoming year. Should the number of appeals dealt with by the tribunal remain at its current level, the board and the Minister may wish to evaluate whether the current size and structure of the tribunal is necessary.

Although the standing committee on agencies, boards and commissions does not intend to recommend changes in the structure of the tribunal at the present time, Members did want to point out that some intriguing alternatives to the present format were raised during the public hearings. The Union of Northern Workers, for instance, recommended that the current composition of the appeals tribunal be revised to consist of one board member, one person chosen by the appellant and mutually agreeable chairperson. This format was suggested as an alternative to the existing structure of a standing appeals tribunal.

Further, the standing committee received a recommendation from the NWT Council for Disabled Persons that a more independent appeals process should be developed. Similarly, the injured, disabled and discarded workers group recommended consideration of a process through which an additional appeal could be made to cabinet, and referenced Alberta legislation as an example.

The standing committee considered the notion of an independent review process. Members felt that the current legislative action paper on access to government under review by the standing committee

on legislation, may provide a potential for further discussion of this issue, in as much as it proposes the establishment of an ombudsman or access to government commissioner for the people of the Northwest Territories. Questions may be raised during future discussions about whether the final stage of appeal should lie with an ombudsman, or with cabinet upon the recommendation of an ombudsman, or within the existing infrastructure provided by the Workers' Compensation Act. At the present time, however, it is beyond the standing committee's current process to bring forward a recommendation.

That concludes my presentation, Mr. Chairman.

CHAIRMAN (Mr. Nerysoo): Thank you. Mr. Lewis.

Workers' Advisor

MR. LEWIS: Mr. Chairman, if I may continue, then, with section eight, workers' advisor. The office of the workers' advisor on workers' compensation matters was established in November 1989, following recommendations made by the 1989 review committee. The 1990 annual report of the Workers' Compensation Board also indicates that the position was developed in response to "requests from the directors of the board, particularly those from organized labour. Presently the workers' advisor works on a part-time basis to provide information, advice and assistance to injured workers, their dependents or their representatives, regarding difficulties encountered with the processing of claims or appeals.

During the public hearings, the standing committee received very positive input about the role and performance of this office from several of the workers who provided submissions. From data presented to the standing committee, Members became aware that the advisor carries a heavy work load, and that her client base has grown every year since the position was established.

The standing committee was concerned that certain policies and procedures within the Workers' Compensation Board have made it difficult for the advisor to carry out all of her responsibilities. In her submission to the standing committee, the workers' advisor recommended that policy changes should be made to allow her to use a statutory declaration instead of letters of authorization, to consult directly with an adjudicator, and to improve the communication of board policy. It became apparent to the standing committee that many of these procedural

difficulties arose from the fact that the office of the workers' advisor lacks the statutory authority to access board premises and files. So therefore we have a recommendation, Mr. Chairman, recommendation 16. Recognizing that the workers' advisor performs an important role in helping injured workers, that the work of the office is being impeded by an apparent lack of statutory authority, the standing committee on agencies, boards and commissions moves the following recommendation:

Motion To Accept Recommendation 16, Carried

That the Workers' Compensation Act be amended to establish the office of the workers' advisor and grant authorities necessary to access the information and support required in the performance of the duties of the office; and further, that an administrative structure should be finalized in which the office of the workers' advisor is established to operate independently from the Workers' Compensation Board; and further, that the workers' advisor continue to report directly to the Minister responsible for the Workers' Compensation Board; and further, that a yearly review of the office of the workers' advisor be undertaken by the Minister to focus on process barriers, outcome measures and forced growth requirements.

CHAIRMAN (Mr. Nerysoo): Thank you. The motion is in order.

AN HON. MEMBER: Question.

CHAIRMAN (Mr. Nerysoo): To the motion. All those in favour? All those opposed? The motion is carried.

--- Carried

Mr. Ningark.

Page 835

Full Funding

MR. NINGARK: Thank you, Mr. Chairman. I will read section nine, full funding. During the public hearings the standing committee on agencies, boards and commissions repeatedly heard that it was necessary to protect the status of the Northwest Territories Workers' Compensation Board as a fully funded entity. "Full funding" was defined by the 1989 review committee as "a method of financing the cost of workers' compensation which seeks to meet all the costs arising from each year's compensatable accidents and diseases out of assessments on employers for that year." In other words, "full funding"

involves meeting the full eventual costs of incurred claims from each year's accidents out of the assessments in that year -- including an estimate of the future costs of escalation of pension and other benefits.

Several of the industry associations and labour organizations appearing at the standing committee's public hearings, emphasized the importance of maintaining a fully funding board. As was pointed out well by the NWT Construction Association: "...we are fortunate that the NWT Workers' Compensation fund is one of the few fully funded programs in Canada. This is an important consideration, because the WCB is required to fulfill its responsibilities to injured workers, oftentimes over the length of their lifetimes. A fully funded insurance program is required. Otherwise the failure to adequately meet long-term responsibilities will result in increasing future taxation on employers. This would have a negative effect on the economy of the North, as the cost of doing business would have to rise and be passed on to consumers."

An idea raised over the course of the public hearings was that the Workers' Compensation Act should include a statutory requirement that the board maintain a fully funded status. The standing committee was uncertain of whether this is practical, but wished to urge the Minister to examine the concept over the course of his consideration of legislative initiatives. Therefore, Mr. Chairman, recommendation 17.

Motion To Accept Recommendation 17, Carried

I move that the Minister include in the legislative action paper a consideration of the concept of incorporating a requirement that the Workers' Compensation Board be fully funded within the Workers' Compensation Act.

That concludes my section, Mr. Chairman.

CHAIRMAN (Mr. Nerysoo): Thank you. I believe that the preface should be, that I move that "this committee recommends." With that acknowledgement the motion is in order.

AN HON. MEMBER: Question.

CHAIRMAN (Mr. Nerysoo): The question has been called. All those in favour? All those opposed? The motion is carried.

--Carried

Mr. Dent.

Assessment

MR. DENT: Thank you, Mr. Chairman. Section 10 is on assessment. The standing committee on agencies, boards and commissions received, surprisingly, little input during public hearings on the matter of rates assessed against employers. Although there were some general statements in some submissions conveying a perception that assessment rates are high, the larger industry associations appearing before the standing committee left the impression that they were, for the most part, satisfied with the classification of industries and the actuarial basis for employers' assessments. Instead, the standing committee noticed a significant concern on the part of employers about the potential for a sharp and rapid increase in rates. These seemed to relate variously to a fear that shifts in investment policy, additional administrative expectations or responsibility would necessitate increased assessment revenues that would be subsequently passed along to employers. In just about every case, involvement or interference by members of the Legislative Assembly was indicated to be at the source of the concern.

The standing committee on agencies, boards and commissions was of the opinion that care should be taken not to erode the confidence which employers hold in the workers' compensation system. The Minister may wish to address any apparent need for reassurance in his ongoing consultation with employers' organizations.

The standing committee on agencies, boards and commissions discussed the matter of the timing of assessment notices. Concern was expressed that in the case of industries which follow a seasonal pattern, payment requirements can create a certain financial pressure. Most construction, for instance, does not commence in most northern communities until later in the spring. This means that some firms may lack significant cash income in the late winter or early spring, yet the Workers' Compensation Board has traditionally issued assessment notices early in the calendar year, with payment deadlines before the end of June. In some cases, construction firms are being required to come up with fees in excess of \$100,000, which must be paid before the construction season even starts. A similar situation is encountered by other businesses which operate primarily on a seasonal cycle.

Motion To Accept Recommendation 18, Carried

Therefore, the standing committee on agencies, boards and commissions recommends and I move that this committee recommends that the Minister encourage the Workers' Compensation Board to revise its fee payment schedule for seasonal employers in order to spread fees out over a longer period of time.

CHAIRMAN (Mr. Nerysoo): Thank you. The motion is in order. To the motion.

AN HON. MEMBER: Question.

CHAIRMAN (Mr. Nerysoo): Question has been called. All those in favour? Opposed, if any? The motion is carried.

---Carried

Mr. Dent.

MR. DENT: Thank you, Mr. Speaker. It was also pointed out to the standing committee on agencies, boards and commissions, that the Workers' Compensation Board presently has no system of merit rebates or super-assessments for employers who have conscientious or poor work place safety records respectively. Simply stated in the context of this report, "merit rebates" refer to funds returned to individual employers who meet certain criteria for safety performance, while super-assessments penalize individual employers with poor safety records.

Page 836

Motion To Accept Recommendation 19, Carried

Therefore, the standing committee on agencies, boards and commissions recommends, and I move that this committee recommend that the Minister evaluate the potential application of merit rebates and super assessments within the assessment framework used by the Workers' Compensation Board; and further, that the Minister include in the legislative action paper a consideration of the legislative amendments which would be required to support a system of merit rebates and super assessments.

CHAIRMAN (Mr. Nerysoo): The motion is in order. To the motion.

AN HON. MEMBER: Question.

CHAIRMAN (Mr. Nerysoo): Question has been called. All those in favour? Opposed, if any? The motion is carried.

--- Carried

Mr. Koe.

Investments

MR. KOE: The committee received a message loud and clear during the public hearings that the investment policies and decisions of the Workers' Compensation Board should not be made subject to political interference. Most of the input received can be summed up by the comments of the Northern Employers' Council on Workers' Compensation:

Or perhaps more bluntly from the Union of Northern Workers: "We are strongly opposed to statements from some MLAs that they would like the GNWT to be able to exert more influence over the management of the WCB financial reserves and investments. For instance, to require that those funds be invested in northern businesses. Again, WCB should be fully independent from government. This means complete autonomy to invest the funds where the board and its politically neutral financial experts determine it will get the best return."

The committee was somewhat perplexed as to the source of perceptions that the Legislative Assembly was interested in exerting direct control over investment decision making. Members of the committee agreed fully that the investment fund should be professionally and carefully managed. Further, at least, a cursory examination of investment policy and return suggests that this has been the case within the Workers' Compensation Board.

Also perplexing was the number of unelaborated references to political pressure exerted on the Workers' Compensation Board to become involved in riskier northern ventures that would place the investment fund at risk. Although several submissions made reference to this, only the presentation by the United Steelworkers of America provided a concrete example. The Steelworkers commented that:

The standing committee urges the Minister to continue the process of communication he has now initiated with various labour and industry groups interested in the workers' compensation system. He should do everything possible to reassure them that this government supports efficient, effective

management of the Workers' Compensation Board investments. At the same time it is somewhat hard to understand how industries and unions whose respective memberships have made a commitment to living in the North and assume that investment in northern ventures automatically risk compromising the security of the funds. There is some thought that as a corporate citizen of the NWT the Workers' Compensation Board might wish to participate in the economic growth and development of what is truly one of the most rapidly changing and exciting regions of the world.

Members noted that on June 23, 1992, the standing committee on finance tabled Committee Report 12-12(2) which indicated that a review and options paper will be prepared on the investment of existing resources within Workers' Compensation funds and report back to the Assembly.

At this time the committee has no specific recommendation or further comment on this matter.

CHAIRMAN (Mr. Nerysoo): Mr. Antoine.

Traditional Occupations

MR. ANTOINE: Thank you, Mr. Speaker. This section deals with traditional occupations. The committee considered the matter of compensation to aboriginal persons who are injured during the course of traditional harvesting activities. During its ninth session the 10th Assembly it amended the WCB Act to include authority for paying compensation claims of traditional harvesters. This authority is provided through subsection 10.(1) of the existing act. It was never intended that this would provide coverage for those people who are only occasionally hunted, but that a program would be designed for those who spend most of their working time hunting and trapping professionally. A program was developed in late 1987 and the total costs of providing workers' compensation coverage was paid for by the GNWT through the Department of Renewable Resources.

Since there is no such thing as a salary level for hunters and trappers, subsection 10.(3) was included when the WCB Act was amended, to provide that hunters and trappers would automatically become eligible for compensation or pension benefits based on a YMIR of \$40,000 as soon as they qualified as being "principally engaged" in traditional harvesting.

During public hearings on May 12, 1992, the deputy minister for Renewable Resources advised the committee that the average income for a trapper probably ranged between \$3000 and \$7000 plus whatever the value would be of any food deemed through hunting, trapping or fishing.

Costs to the government increased substantially. The standing committee heard one estimate that claims costs under this program for the period from 1988 to 1990 exceeded \$2.4 million. Clearly a need exists for more restrictive eligibility guidelines to reduce spiralling costs associated with the payment of claims. In June 1990 there was a cabinet record of decision which directed the Minister responsible for the Workers' Compensation Board to take action. Policy guidelines were established in August 1990, which implemented a more restrictive definition of which hunters and trappers could be considered "principally engaged" in harvesting activity:

"Principally engaged in the industry of hunting, fishing or trapping for which there is no income from any alternate source for a period exceeding 131 days during the 12-month period immediately preceding the accident and where written verification is received from the Government of the Northwest Territories that the person applying for compensation is the holder of a valid general hunting licence issued under the Wildlife Act and has revenue from hunting, fishing or trapping of a minimum of \$10,000 for the 12-month period immediately preceding the accident."

That is, if an aboriginal hunter, trapper or fisherman has another paying job during the 26 work-weeks before the accident, then the board policy does not recognize him or her as being "principally engaged" as a harvester. Also, even if the hunter, trapper or fisherman has no other job during the rest of the year, he or she cannot be considered as being "principally engaged" in those occupations unless he or she has earned \$10,000 or more.

If the hunter, trapper or fisherman does not meet the board's policy definition as being "principally engaged," then he or she is ineligible for compensation under section 10.(1) of the act in the event that an injury occurs on the land.

The Workers' Compensation Board distributed notification of the revised policy framework to hunters' and trappers' associations and other organizations across the Northwest Territories in October 1990. However, the correspondence was framed in very technical language and was not translated into

aboriginal languages. The deputy minister of Renewable Resources outlined the nature of the community response when he appeared at public hearings before the standing committee on agencies, boards and commissions:

"It created some problems and it took several months before the hunters' and trappers' associations began to voice complaints about it. One of the reasons of course is that many of them are not people who are very much into the reading culture or answering government mail. So a lot of this laid on their desks and over the fall of 1990 and spring of 1991 in the department we began to get more and more questions about why so many people were being deemed to be ineligible for compensation."

The standing committee was concerned about the existing policy definition of hunters and trappers for a number of reasons. Central among these is the finding that the policy does not reflect the understanding of the Legislative Assembly at the time the Workers' Compensation Act was amended. Although the board does appear to have exclusive jurisdiction to make any definitive policy it feels necessary to administer the act, it is questionable whether it should have chosen to take this position when defining who can and cannot be considered a hunter or trapper.

When the bill to amend the Workers' Compensation Act was debated in committee of the whole on June 15, 1987, the Minister of the day, Hon. Bruce McLaughlin, noted that the term "principally engagement" had been "specifically left vague" in order to achieve greater flexibility in defining eligibility. Mr. McLaughlin assured the House that, and I quote: "By just saying 'principally,' the board could use either income or time as the definition of 'principally'" So the board would then have the option to evaluate each individual case that comes to it so that it would not be forced into a rigid situation."

The internal policy which the board subsequently put in place did establish a rigid situation in which principle engagement is defined on the basis of both time and income. This differs considerably from the interpretation which the Minister suggested at the time when the amendments to the Workers' Compensation Act were passed.

During public hearings, the honourable Member for Deh Cho, Mr. Sam Gargan, appeared as a witness to advise the standing committee of a decision made April 8, 1992, by the Workers' Compensation Board's

review committee on the appeal of claim denial. The review committee upheld the claimant's appeal noting that the board's policy "is contrary to the spirit in which section 10 of the act was written."

It appears as though further policy development will now need to be undertaken by the Workers' Compensation Board to find a way to define who is principally engaged as a hunter or trapper. The standing committee recognized that a main problem with the current policy framework is the use of a \$10,000 criterion for identifying traditional harvesters. According to this policy an individual cannot be considered to engage in hunting and trapping occupational pursuits unless he or she earns \$10,000 or more. What the policy overlooks is that in many northern communities, being a hunter is a matter of lifestyle, not income level. If someone is seen by his family, his elders and his community as being a hunter or trapper, then he is "principally engaged," whether or not he earns the \$10,000 threshold income level.

There is another problem which Mr. Gargan pointed out clearly when he appeared as a witness before the standing committee, and I quote: "The \$10,000 number is like asking the aboriginal people to exploit animals in order to meet a certain quota. I am suggesting that is not the Dene way -- to meet a certain quota and exploiting animals. With the fur price as it is, you have to kill a lot of animals to make \$10,000. This is my argument."

For all these reasons, the standing committee on agencies, boards and commissions reached the conclusion that the use of income as an eligibility criterion led to an unworkable and inappropriate attempt to impose wage economy concepts on a traditional value system.

Motion To Accept Recommendation 20, Carried

Therefore, Mr. Chairman, I move that the standing committee on agencies, boards and commissions recommends, that for the purpose of subsection 10.(1) in the Workers' Compensation Act, the definition of aboriginal harvesters who are "principally engaged in hunting, trapping or fishing for a livelihood" should not include a threshold income criterion.

CHAIRMAN (Mr. Nerysoo): Noting that the preface would be, "I move that this committee recommends," noting that, the motion is in order.

AN HON. MEMBER: Question.

CHAIRMAN (Mr. Nerysoo): Question has been called. All those in favour? All those opposed? The motion is carried.

--- Carried

Mr. Antoine.

MR. ANTOINE: Thank you. There is another "class" of hunters and trappers who are excluded from the existing policy because of the restriction on alternate income included in the policy. Telephone submissions received from the Gwich'in Hunters' and Trappers' Association summarized this problem succinctly:

"I do not think anybody is going out in the bush to plan on having an accident. But, according to the criteria now, preceding the accident you have to have been trapping 12 months of year. In this day and age, there are a lot of people who work a little bit in town, get a little unemployment insurance, live off the land a little bit, really it kind of fouls them up. In a lot of cases you cannot just do one thing."

In the instance of someone who was primarily a trapper, but worked for his brother building a HAP house for a few weeks in the fall, for example, the policy would preclude workers' compensation coverage because he would not fit the definition of a person "principally engaged" in trapping. This, again, appears to be contrary to the understanding Mr. McLaughlin outlined to the House in 1987 and does not reflect the reality of contemporary life in communities of the Northwest Territories.

Motion To Accept Recommendation 21, Carried

Therefore, I move that this committee recommends, that for the purpose of subsection 10.(1) of the Workers' Compensation Act, the definition of aboriginal harvesters "who are principally engaged in hunting, trapping or fishing for a livelihood" should reflect the realities of working and living in northern communities.

CHAIRMAN (Mr. Nerysoo): Thank you. The motion is in order. To the motion.

AN HON. MEMBER: Question.

CHAIRMAN (Mr. Nerysoo): The question has been called. All those in favour? All those opposed? The motion is carried.

--- Carried

Mr. Antoine.

MR. ANTOINE: This then begs the question of where and how eligibility requirements for hunters and trappers coverage should be established. The standing committee deliberated for some time on this. One option would be to recognize the hunters and trappers coverage does not fit particularly well within the framework of the Workers' Compensation Act or the philosophy of workers' compensation. The Northern Workers' Council on Workers' Compensation made the point that:

"The WCB has taken a lot of criticism lately for a program that is not even theirs. The criteria for claimants and the amount they can claim should probably properly be determined by those who established the program and pay for it. This is the GNWT and the Department of Renewable Resources."

The difficult with complete transfer of the responsibility for compensating injured hunters and trappers has to do with the duplication of services. Internally, accountable systems exist for receipt, processing, adjudication by policy application, and appeal of claims, within the Workers' Compensation Board. It would cost the Government of the Northwest Territories significantly more to duplicate the service structure than it does to take advantage of the board's economies of scale and expertise by paying for claim administration costs. The Strength at Two Levels report gives a clear message when it states:

"Approaching a period of severe restraint, the Northwest Territories can no longer afford a structure of government which is too fragmented and ill suited to its need. It must simplify and consolidate."

Another option would then be to transfer partial responsibility to the Department of Renewable Resources, and establish provisions within the Workers' Compensation Act which allows the establishment of agreements between the board and the department respecting the administration of harvesters' claims. This would limit the board's involvement to paper flow functions, and leave policy decisions to the department.

The standing committee believed, however, that it would be preferable to see provision for the hunters and trappers coverage remain in the Workers' Compensation Act, but work toward finding more workable and realistic criteria for identifying which persons are principally engaged in traditional harvesting. In striving for this, one key may be to model the board's relationship with the Department of Renewable Resources after the board's relationship with other employers. Much as an employer does, the department would provide the board with information about the nature of the accidental injury for which a harvester might claim, and assist in calculation of the real value of domestic harvests. As well, the standing committee on agencies, boards and commissions took special note of comments made during the public hearings by the NWT Chamber of Mines, to the effect that: "Hunters and trappers compensation is not related to the YMIR and therefore has no place in setting its level."

CHAIRMAN (Mr. Nerysoo): Mr. Antoine, just before proceeding with recommendation 22, I want the record to note that recommendation 21 was moved and carried. Proceed, Mr. Antoine.

MR. ANTOINE: Thank you, Mr. Chairman.

Motion To Accept Recommendation 22, Carried

The committee recommends, and I move that the legislative action paper include a consideration of a new process through which a workable definition of aboriginal persons "principally engaged in hunting, trapping or fishing for a livelihood" can be incorporated within the Workers' Compensation Act.

CHAIRMAN (Mr. Nerysoo): Thank you. The motion is in order. To the motion.

AN HON. MEMBER: Question.

CHAIRMAN (Mr. Nerysoo): Question has been called. All those in favour? Opposed, if any? The motion is carried.

---Carried

MR. ANTOINE: Thank you, Mr. Speaker. The standing committee considered the fact that aboriginal persons engaged in traditional artisanship are not eligible for compensation under the Workers' Compensation Act. Generally these are individuals who are self-employed and work within a home environment. Yet the risk of occupational disease

arising from the inhalation of soapstone dust or work place accidents is not inconsequential.

Page 839

Motion To Accept Recommendation 23, Carried

I MOVE that this committee recommends that the legislative action paper include a consideration of programs which could be established under the authority of the Workers' Compensation Board and/or the Department of Culture and Communications regarding the compensation of aboriginal artists and carvers injured or disabled as a result of their work.

CHAIRMAN (Mr. Nerysoo): Your motion is in order. To the motion.

AN HON. MEMBER: Question.

CHAIRMAN (Mr. Nerysoo): Question being called. All those in favour? Opposed, if any? The motion is carried.

--Carried

Mrs. Marie-Jewell

Third Party Liability

MRS. MARIE-JEWELL: The committee heard a convincing presentation from the NWT Association of Municipalities with respect to provisions in the Workers' Compensation Act which allows an injured worker and in some cases the board itself, to recover costs from third parties other than the worker's employers.

The extent to which third parties were held liable in the NWT legislation is unique in Canada. There is considerable variation from one jurisdiction to the next with respect to third party liability. Arguably any third party provisions run contrary to the Meredith Principles which state that in return for guaranteed compensation, workers have no legal right to sue employers or co-workers for negligence resulting in work place injury. Differing opinions exist as to whether this suit bar should apply to all employers paying into the workers' compensation system or just the injured workers own employer. The NWTAM submission argue that the third party liability should be restricted.

A difficult problem is faced by NWT municipalities that deliver services through the use of contractors. The Workers' Compensation Act provides for the Workers'

Compensation Board to recover from everyone but the employee's own employer. In circumstances where an injured worker was working for one of the municipality's contractors, the board could attempt to recover the cost of its compensation payout by suing the municipality.

The position of the NWT Association of Municipalities was that "employers contribute to the workers' compensation pool, and are therefore immune to claims."

The NWT Association of Municipalities provided some examples of the serious implications surrounding the application of third party liability provisions. Perhaps the most worrisome is with respect to liability for occupational disease or injury related to environmental contaminants. It is exceedingly difficult and costly for municipalities to obtain liability insurance for claims related to toxic discharges, see page and emissions. At public hearings the association provided the following scenario:

"So a garbage hauling contractor's worker who catches a disease from his duties at the dump receives workers' compensation benefits. And then he and the board can, under existing workers' compensation law, recover from the city. And in this case the city is on its own with no insurance coverage."

The Association of Municipalities pointed out that this risk area might significantly effect current directions toward municipal involvement in recycling and salvage programs. Also, since the local governments across the NWT share pooled liability insurance coverage, a harsh judgment against one municipality would likely affect liability insurance costs for all municipalities.

The committee took note of the fact that the NWTAM had on July 11, 1990, passed the following motion with respect to the Workers' Compensation Act:

"That the NWTAM lobby the GNWT to have the Workers' Compensation Act changed to alleviate any risk to municipalities under the Workers' Compensation Act as laid out in the special report by Falconar Insurance Associates Ltd., dated July 12, 1990."

The standing committee on agencies, boards and commissions deliberated seriously on this important matter, but was unable to come to a consensus. Clearly, there are no solutions available, and there

was some general feeling that the prohibition against the right to sue ought to be expanded. The degree to which it would be more appropriate to do so is presently uncertain. The standing committee felt that additional public input on this matter, and a fuller understanding of the Workers' Compensation Board position, would be valuable in deriving a proposal for legislative change.

The standing committee is of the opinion that the matter needs to be addressed, and would like to see a full consideration of related issues and solutions proposed within the legislative action paper.

Motion To Accept Recommendation 24, Carried

Mr. Chairman, therefore I move that this committee recommends that the legislative action paper include a full consideration of third party liability provisions within the Workers' Compensation Act; and further, that the legislative action paper propose a range of suitable options which can then be the subject of further public discussion and review.

CHAIRMAN (Mr. Nerysoo): Thank you. The motion is in order. To the motion.

AN HON. MEMBER: Question.

CHAIRMAN (Mr. Nerysoo): The question has been called. All those in favour? All those opposed? The motion is carried.

---Carried

Mr. Dent.

Lump Sum Payments

MR. DENT: Thank you, Mr. Chairman. Section 14 is on lump sum payments. The standing committee on agencies, boards and commissions received extensive commentary on the position that has been taken by the Workers' Compensation Board with respect to allowing the commutation of disability pensions for lump sum payouts. The standing committee was aware that the 1989 review committee provided direction to the board that more stringent criteria needed to be applied to decisions about when and whether to allow injured workers to commute their pensions. The standing committee heard a very wide range of opinion on this subject during the public hearings. Several submissions indicated that persons receiving lump sum settlements risked their own security. The Federation of Labour submission made the point that persons are not allowed to commute

Canada Pension Plan payments or Unemployment Insurance benefits in advance, and argued that workers' compensation should be treated similarly.

Page 840

Others stated that the board's current practices are paternalistic and insensitive to the needs of injured workers. Submissions received from the Council for Disabled Persons, the workers' advisor, and the injured, disabled and discarded workers group, left the clear impression that this is one of the central issues for injured workers--workers that receive permanent disability pensions.

The standing committee on agencies, boards and commissions wrestled with the issues surrounding this matter, but finally came to the conclusion that, not withstanding the many excellent presentations it had received on the subject, they just plainly lacked the background and expertise to make specific recommendations. There is no shame in acknowledging this. Policy problems with lump sum payments plague workers' compensation boards and their claimants all across Canada. To date, solutions capable of satisfying all interests have not been found. The standing committee did feel that it was essential for this subject to be addressed. The report of the 1989 review committee, while helpful, is fairly strongly founded in a set of priorities which differ from those of pensioned workers. There is a need for an additional examination of this issue, and the Minister's legislative initiative to be undertaken may provide the most appropriate opportunity.

Motion To Accept Recommendation 25, Carried

Therefore, the standing committee on agencies, boards and commissions recommends, and I move this committee recommends that the legislative action paper include a full consideration of questions surrounding the commutation of disability pensions.

CHAIRMAN (Mr. Nerysoo): Thank you. The motion is in order. To the motion.

AN HON. MEMBER: Question.

CHAIRMAN (Mr. Nerysoo): The question has been called. All those in favour? All those opposed? The motion is carried.

--- Carried

Mr. Antoine.

Safety Enforcement And Education

MR. ANTOINE: Thank you, Mr. Chairman. This last section deals with safety enforcement and education. The standing committee on agencies, boards and commissions received considerable input respecting the delivery of safety programming. The linkage between safety programs and workers' compensation is clear. Safer work places result in fewer accidents and few claims for compensation. The standing committee heard a wide range of submissions on whether the responsibility for work place safety enforcement and education should be undertaken by the Workers' Compensation Board. Presently, responsibility for inspection and enforcement lies with the Department of Safety and Public Services. Although the department and the Workers' Compensation Board are active in safety education programs, the standing committee takes a strong position on the matter of safety enforcement. At the present time, it should be regarded as a public service and should remain within the direct authority of the Government of the Northwest Territories.

The standing committee was concerned, however, about the number of references made to the inadequacy of current safety laws and inspections. The Federation of Labour's forceful submission on this subject paralleled the perception of many presenters, and I quote:

"Overall, the Territories' workplace laws are a national embarrassment. The government has created the most abysmal work place laws in the country, bar none, and lack of enforcement only makes the situation deteriorate further."

Motion To Accept Recommendation 26, Carried

Mr. Chairman, I move that this committee recommends that for the present time, responsibility for the enforcement of occupational health and safety standards should remain with the Department of Safety and Public Services; and further, that the Minister of Safety and Public Services examine concerns raised by witnesses at the public hearings with regard to safety enforcement and provide a response to the Legislative Assembly at the earliest possible time.

CHAIRMAN (Mr. Nerysoo): Thank you. The motion is in order. To the motion.

AN HON. MEMBER: Question.

CHAIRMAN (Mr. Nerysoo): Question has been called. All those in favour? All those opposed? The motion is carried.

--- Carried

Mr. Antoine.

MR. ANTOINE: Responsibility for safety education is currently held by both the Department of Safety and Public Services and the Workers' Compensation Board. Generally this arrangement is not working badly at the present time, but the standing committee was uncertain as to the level of communication and co-ordination which takes place between departmental and board initiatives. The standing committee wishes to urge the Minister to take an active role in ensuring the co-ordination of safety education activities.

The standing committee on agencies, boards and commissions was intrigued as well by part of the submission received from the NWT Council for Disabled Persons. The council stressed that workplace education could be carried out by non-government organizations. The standing committee subsequently received information from the Federation of Labour outlining workplace education programs being carried out for cross-cultural awareness. The standing committee was also aware that local governments could be in a position to take on a role in the provision of safety education. There could be definite merits in bringing education and awareness initiatives closer to the people who benefit from them by funding social agencies, labour groups and local governments to run them.

Motion To Accept Recommendation 27, Carried

Mr. Chairman, I move that this committee recommends, that the Minister consider establishing a contribution fund from funds within the Workers' Compensation Board in order to support local training initiatives in the area of safety education.

CHAIRMAN (Mr. Nerysoo): Thank you. The motion is in order. To the motion.

AN HON. MEMBER: Question.

Page 841

CHAIRMAN (Mr. Nerysoo): Question has been called. All those in favour? All those opposed? The motion is carried.

---Carried

Mr. Koe.

MR. KOE: That endeth the report, and I would like to thank all my colleagues for their participation, all the witnesses, the Minister, his staff and the Workers' Compensation Board and Re staff, and our research staff for doing the work. I thank everyone.

---Applause

CHAIRMAN (Mr. Nerysoo): Thank you. Mr. Minister.

HON. DENNIS PATTERSON: Thank you, Mr. Speaker. I am not intervening here because I want to have the last word, but I was not able to be in the House when the report was first introduced. I would like to say that as Minister responsible for the WCB, I do find the report thoughtful and clear and I do believe that as we move into the process of legislative review, this report and the previous report will be very helpful in undertaking a definition of the issues which must be addressed in order to have a comprehensive and modernized Workers' Compensation Act.

I want to thank the committee for their good work. Since I have undertaken this assignment I have found that the Minister responsible for the Workers' Compensation Board does not actually have a department to support the Minister, so there is no staff who one can turn to for advice on how to do this job, given that the board operates quite independently. Perhaps in some cases too independently, as the committee has pointed out.

CHAIRMAN (Mr. Nerysoo): Does that conclude the business?

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Nerysoo): I shall now rise and report progress.

ITEM 19: REPORT OF COMMITTEE OF THE WHOLE

MR. SPEAKER: Item 19, report of committee of the whole. Mr. Chairman.

MR. NERYSOO: Thank you, Mr. Speaker. Your committee has been considering Committee Report 16-12(2) and wishes to report that Committee Report 16-12(2) is concluded, with 27 motions being adopted. Mr. Speaker, I move that the report of the

chairman of the committee of the whole be concurred with.

MR. SPEAKER: Is there a seconder to the motion? Mr. Zoe. The motion is order. All those in favour? Opposed, if any? The motion is carried.

--Carried

Item 19, third reading of bills. Mr. Lewis.

MR. LEWIS: Mr. Speaker, I request unanimous consent to return to item 6 a short written question.

MR. SPEAKER: The honourable Member is seeking unanimous consent. Are there any nays? There are no nays, proceed please, Mr. Lewis.

REVERT TO ITEM 6: WRITTEN QUESTIONS

Question W50-12(2): Dismissal Of Mr. Norman Meek

MR. LEWIS: Thank you, Mr. Speaker. This is to the Minister of Personnel. In relation to the alleged dismissal of Mr. Norman Meek from your department on June 27, 1991, on orders of the Supreme Court of the NWT dated December 13, 1991, and February 4, 1992, on the ruling that Mr. Meek's dismissal was quashed and the Government of the NWT should pay court costs on a solicitor client basis.

1) Why has the GNWT refused to pay Mr. Meek's full legal costs according to the Supreme Court ruling?

2) Since the judge ruled that Mr. Meek was still employed by the GNWT after June 27, 1991, why is he not being paid his full wages and benefits from that date?

3) Since Mr. Meek incurred approved travel expenses totally \$13,179.56, why has he not been fully reimbursed for this total amount, and why has it taken 14 months to pay this bill?

Would the Minister reply to the Clerk of the Legislative Assembly by July 15, 1992?

MR. SPEAKER: Item 6, written questions.

Item 20, third reading of bills.

Before I proceed to orders of the day I would like to take a few moments to recognize the work of the assistance provided to Members by the eight students who have acted as Pages and Members' assistants

over the last two weeks. Their names are: Jennifer Gamble, Craig Halifax, Karen Johnson, Jennifer Praamsma, Chris Laing, Derran Guinan, Janice Mathewsie and Nils Thompson. Thank you very much.

Item 21, orders of the day. Madam Clerk.

ITEM 21: ORDERS OF THE DAY

CLERK ASSISTANT OF THE HOUSE (Ms. Perkison):

(Translation) Orders of the day for Wednesday, September 9, 1992.

1. Prayer
2. Ministers' Statements
3. Members' Statements
4. Returns to Oral Questions
5. Oral Questions
6. Written Questions
7. Returns to Written Questions
8. Replies to Opening Address
9. Petitions
10. Reports of Standing and Special Committees

Page 842

11. Reports of Committees on the Review of Bills
12. Tabling of Documents
13. Notices of Motions
14. Notices of Motions for First Reading of Bills
15. Motions
16. First Reading of Bills
17. Second Reading of Bills
18. Consideration in Committee of the Whole of Bills and Other Matters: Tabled Documents 9-12(2) and 10-12(2); Motion 6-12(2); Committee Motion 10-12(2); Tabled Document 62-12(2)

19. Report of Committee of the Whole

20. Third Reading of Bills

21. Orders of the Day

MR. SPEAKER: Thank you, Madam Clerk. This House stands adjourned until 1:30 p.m., Wednesday, September 9, 1992.

--- ADJOURNMENT