

**TUESDAY, SEPTEMBER 29, 1992**

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**MEMBERS PRESENT**

Mr. Antoine, Mr. Arngha'naaq, Hon. James Arvaluk, Hon. Michael Ballantyne, Mr. Bernhardt, Hon. Nellie Cournoyea, Mr. Dent, Mr. Gargan, Hon. Stephen Kakfwi, Mr. Koe, Mr. Lewis, Mrs. Marie-Jewell, Ms. Mike, Hon. Don Morin, Mr. Nerysoo, Mr. Ningark, Hon. Dennis Patterson, Hon. John Pollard, Mr. Pudlat, Mr. Pudluk, Mr. Todd, Hon. Tony Whitford, Mr. Zoe

ITEM 1: PRAYER

---Prayer

**SPEAKER (Hon. Michael Ballantyne):**

Good morning. Item 2, Ministers' statements. Mr. Arvaluk.

ITEM 2: MINISTERS' STATEMENTS

Minister's Statement 100-12(2): International Translation Day

**HON. JAMES ARVALUK:**

Mr. Speaker, September 30 is International Translation Day, a day set aside to recognize the valuable contributions interpreter/communicators make to our society. This day is also recognized at the national level, and is observed in the Northwest Territories by the Interpreter/Translator Society of the N.W.T.

The work of interpreter/communicators has special significance for us here in the Northwest Territories. Our northern society is made up of a number of very distinct cultural groups. Clear communication is essential if we are to understand each other's views of the world, as well as our goals and aspirations.

We are fortunate to have a strong group of well-trained, professional interpreter/communicators who help us communicate effectively. At this point, I would like to express my appreciation for the important role all of the N.W.T.'s interpreters/communicators play in helping us understand each other better. I would particularly like to thank the staff of the Language Bureau for their dedication. Whether these people work in headquarters or the regions, they put in long hours all year round, especially while this Legislative Assembly is in session. Without their assistance, our

government would have a very difficult time in working to meet the goals of northerners.

To give us all a better idea of the skills needed to be an interpreter/communicator, and the role translation plays in the north, the Language Bureau is celebrating National Translation Day with an open house. It will be held tomorrow, September 30, from 10:00 a.m. to noon, on the third floor of the Laing Building.

There will be simultaneous interpreting demonstrations and aboriginal languages displays. I would like to invite you all to join us celebrating National Translation Day. Thank you, Mr. Speaker.

---Applause

**MR. SPEAKER:**

Item 2, Ministers' statements. Item 3, Members' statements. Mr. Nerysoo.

ITEM 3: MEMBERS' STATEMENTS

Member's Statement On Hon. N. Cournoyea's Comments In News/North

**MR. NERYSOO:**

Thank you, Mr. Speaker. Mr. Speaker, I want to raise a number of concerns. I will probably be going over my allotted time. I want to indicate, Mr. Speaker, that there were comments that had been attributed to the Government Leader, in the September 7, 1992, edition of News/North, that could be interpreted as indicative of inconsistency in the application of policies.

The news article states that Ms. Cournoyea indicated publicly that the people of Tuktoyaktuk, Nunakput, should have been told a man who was carrying the A.I.D.S. virus was returning to their community. This conflicts with the position taken in November 1988, when Ms. Cournoyea was Minister of Health, regarding disclosure to the communities, or even regions, when two individuals with A.I.D.S. had been reported.

The position attributed to Ms. Cournoyea in the News/North article also conflicts with the existing establishment policy in the Department of Health. Section 2(a)(ii) of the Government of the Northwest Territories policy manual states, "only the executive council has the authority to approve major change to a department establishment policy."

As senior Minister of the Executive Council, the Government Leader signs each establishment policy. On January 10, 1989, the former Government Leader, the honourable Dennis Patterson signed a Health establishment policy which stated, "in the absence of N.W.T. regulations or guidelines, recognized Canadian standards shall be maintained" with respect to the delivery of health services.

A similar policy was also in effect in 1988. When Ms. Cournoyea was the Minister of Health, she was asked by Mr. Arlooktoo, at that time the Member of the Legislative Assembly for Baffin South, on November 7, 1988, to confirm radio reports that two H.I.V...

**MR. SPEAKER:**

Mr. Nerysoo, your allotted time has expired.

**MR. NERYSOO:**

Thank you, Mr. Speaker. I would like to seek unanimous consent to proceed with my statement.

**MR. SPEAKER:**

The honourable Member is seeking unanimous consent to continue. Are there any nays? There are no nays. Proceed please, Mr. Nerysoo.

**MR. NERYSOO:**

Mr. Speaker, I will begin with that paragraph again. Thank you, my honourable colleagues. When Ms. Cournoyea was the Minister of Health, she was asked by Mr. Arlooktoo, who was the Member for the Legislative Assembly for Baffin south, on November 7, 1988, to confirm radio reports that two cases of A.I.D.S. had been reported in the Baffin region.

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Mr. Speaker, she refused to do so and stated, "I cannot report that information. We have general policies, and guidelines, which were carried over from Health and Welfare Canada, including their established practice of only reporting A.I.D.S. statistics on a territorial-wide level." Mr. Speaker, the Health and Welfare standards in this area have not changed.

In response to further questioning on the subject, she indicated that it was important to ensure complete confidentiality in order to encourage infected individuals to come forward and seek treatment. She elaborated on the reason for the policy by stating, "I

believe that, given the fact that the N.W.T. is a small community, and people generally find out things, confidentiality is mainly for the protection of the individuals who are seeking treatment. We feel that we must have the ability to have an open and honest approach, to make people feel that their particular problem will be treated confidentially when they are seeking medical treatment".

On September 7, 1992, News/North ran a third page article titled Cournoyea backs A.I.D.S. disclosure. The story under Ronna Bremer's by-line, concerned an incident that had reportedly occurred during the spring of 1992, in which an H.I.V. positive male from Vancouver, was alleged to have travelled to Tuktoyaktuk, and engaged in unprotected sexual activity with females in the community.

The comments attributed to Ms. Cournoyea without quotations. The newspaper included the following statement: that people of Tuktoyaktuk should have been told that a man, who was carrying the A.I.D.S. virus, was returning to their community, says Nunakput M.L.A. Nellie Cournoyea.

Also, Cournoyea understands the issue of patient confidentiality, and protocol, but said if the community had been informed, it could have alleviated much of the distress. Also, Ms. Cournoyea said Health Minister, Dennis Patterson, is aware of the situation, and is reviewing the issue of protocol. Now quotations included in the newspaper article also included a number of direct quotes of statements reportedly made by Ms. Cournoyea, including "they did not need to know the name, but if they had told, we have an individual returning to your community, they could have been asked what is the best way to deal with it?" said Cournoyea. Ms. Cournoyea was also quoted as saying, "the problems in town with the A.I.D.S. infected man would probably never have existed if the community had been informed."

Mr. Speaker, I want to know, whether or not the position stated publicly by Ms. Cournoyea, directly contradicts the established policy of the Department of Health for which she is responsible as the senior ministry in the Executive Council. This raises questions as to whether she is planning to alter the policy in the way that makes exposure criteria inconsistent with the Canadian standards used in the rest of the country.

Her comments on September 7, also represent a reversal from the stand she took in November, 1988, when the 11th Assembly M.L.A.s from Baffin South,

Aivilik and Mackenzie Delta asked her to confirm the incidents of reported A.I.D.S. cases by community or even by region. This raises concerns whether the Government Leader has established a "double standard" in which decisions made about the disclosure of A.I.D.S. incidents in Nunakput are going to be made differently in other territorial constituencies.

Ms. Cournoyea indicated in the newspaper article that the current Minister of Health, the Honourable Dennis Patterson, will be reviewing the issue of protocol. Recognizing that Ms. Cournoyea's 1988 statement, that public disclosure may discourage A.I.D.S. victims, is still valid today, one might question, why is it suddenly become imperative for the Minister to review the protocol now?

Further if the Minister has determined that such a review is necessary, it should proceed objectively and in the absence of any prior opinions expressed by the Government Leader to whom he reports. Now the comments reportedly made by the Government Leader on this subject, following the incident in her home community could be seen as a senior political interfere in policy development within the Department of Health.

Mr. Speaker, I will be pursuing this particular matter with questions.

**MR. SPEAKER:**

Thank you, Mr. Nerysoo. Mr. Patterson.

**HON. DENNIS PATTERSON:**

Mr. Speaker, my point of order, is that with respect to the honourable Member, his whole statement is premised, I believe, on a newspaper report, which is not before the House, and whose accuracy is unknown to the House.

I wonder, Mr. Speaker, if the use of an unsubstantiated newspaper report as the basis for debate in this House is within the rules? Thank you.

**MR. SPEAKER:**

Order please. Mr. Patterson, under our rules there are no specific provisions dealing with Members' statements, and historically in this House Members have been given very broad latitude in making their views and comments known during Members' statements.

You do not have a point of order, Mr. Patterson, however I would ask Members in fairness, and in respect to the privilege of all Members that if Members are building a case in Members' statements that they try not to over-use the attributed quotes in newspaper articles and attempt to use as the basis of arguments, documentation, questions, and answers, that are actually before the House.

If I could ask Members, if they would attempt to do that. Under our rules, Mr. Patterson, you have no point of order. Thank you.

Item 3, Members' statements. Mr. Zoe.

Member's Statement On New Airport Runway In Lac La Martre

**MR. ZOE:**

Thank you, Mr. Speaker. Mr. Speaker, the Honourable Tony Whitford, in his capacity as Minister responsible for the Department of Transportation, and myself had the pleasure, yesterday afternoon, of attending a ribbon cutting ceremony in Lac La Martre, to officially open the new Lac La Martre airport runway.

The ribbon cutting took place right next to the new runway and was officially cut by the oldest resident of Lac La Martre, Mrs. Helen Rabesca, who I believe, is over 100 years old.

The completion of this project leaves two communities, in my riding, to have airports, Snare Lake and Rae-Edzo. Accordingly, Mr. Speaker, the government's next priority is to construct an airport for Snare Lake, and as I understand it, the government is also currently working with the Hamlet of Rae-Edzo on a feasibility study for an airport there.

Mr. Speaker, in my opinion the importance of an adequate and fully functional transportation infrastructure for economic and political development cannot be overstated. An adequate transportation system is one of the key factors that will enable

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the Dogrib people to further their objectives in the area of land claims, self-government, and the development of an integrated industrial strategy for the North Slave region.

Year round access to communities in the North Slave region, outside Rae-Edzo, is by air travel alone. That

is our only lifeline to the outside world, our means of moving people, goods, material is by air. The Department of Transportation made it very clear in their transportation strategy of the interdependence of transportation and political and economic development.

Without an adequate transportation system in the North Slave region, our objective of developing a viable self-supporting economy will not be possible. Without a strong economic base, our objective of developing self-government institutions, will only be a dream. Economic and political development go hand in hand, Mr. Speaker. A rational transportation is the means by which the development can move forward. Mahsi.

**MR. SPEAKER:**

I would like to take this opportunity, to recognize in the gallery, Mr. Nick Sibbeston, former colleague, and former Government Leader.

---Applause

**MR. SPEAKER:**

His image was still there in my mind.

Item 3, Members' statements. Mr. Dent.

Member's Statement On Victim Impact Statement Pilot Project

**MR. DENT:**

Thank you, Mr. Speaker. I rise today, to again comment on the need to expand the Victim Impact Statement Pilot Project. I raised this issue in late March and again earlier this month. The Minister of Justice told us that his department has not yet completed a comprehensive evaluation of the pilot project, but that a recent assessment indicates that few victims are taking the opportunity to make Victim Impact Statements.

The Minister stated that it is necessary to continue the pilot project until the end of December, in order to access what factors have kept the victims from using the program. Part of the problem seems to be routed in its initial implementation, because there was inadequate consultation with those in the helping professions, who work most closely with victims in the communities. As a result, these community professionals have been ill prepared to encourage the use of Victim Impact Statements. Generally, there is

a lack of public and professional awareness about Victim Impact Statements. Although it is the responsibility of the R.C.M.P. to take the statement, they do not always inform victims of their option to fill one out. There have been very few cases when a statement has been introduced in court. This record will only improve when there are strong advocate groups in the community to encourage the use of these statements.

Unfortunately, many of the smaller communities where the pilot project is in operation do not have a strong network of advocate groups for victims. Existing groups, and shelters, are not always able to use their limited resources to work with the R.C.M.P. and the courts to raise awareness about the merit of the statements.

Mr. Speaker, I am afraid the merits of Victim Impact Statements will not be realized through a continuation of the pilot project in only nine communities in the north. I hope the Minister will consider extending the pilot project to Yellowknife. I believe this would make a difference in weighing the merits of Victim Impact Statements. Yellowknife has the benefit of having a large network of helping groups, within the city, to act as strong advocates for victims. Yellowknife also has a large number of sentencing hearings in which Victim Impact Statements could be used. This important Victim Impact Statement Pilot Project should not be deemed unsuccessful simply because it has not been widely used today. Thank you, Mr. Speaker.

**MR. SPEAKER:**

Members' statement, Mr. Gargan.

Member's Statement On Employment Of Local People In Highway Construction

**MR. GARGAN:**

Thank you, Mr. Speaker. Over the summer, I did quite a bit of travelling on the highway between Hay River and Yellowknife. During these trips there was a lot of disruption due to the construction crews working on various parts of the highway, particularly in the Fort Providence area.

Mr. Speaker, I was quite happy to put up with these disruptions to my travels. I have long believed that the development of a good highway system would have substantial long-term economic benefits for all of the Northwest Territories, and I am still convinced of this.

However, Mr. Speaker, there are other short-term benefits to be received as well. As the honourable Member for Keewatin Central has stated in this House many times, it is important that local residents receive some economic benefits, both in terms of training and employment, from construction projects in their region.

During my trip, I noticed quite a few of my constituents working in these construction crews, employed as heavy equipment operators, flag persons, and surveyors.

This shows that the contractors have made some efforts to employ local people, and I would like to thank them for this. However, I believe it important that we, as a government, continue to promote, and monitor, local employment in construction projects.

Finally, Mr. Speaker, I would like to thank the Minister of Transportation during the last Assembly, Mr. Gordon Wray, for his vision in developing and implementing the N.W.T. Transportation Strategy.

I believe Mr. Wray recognized the importance of developing a viable transportation link to the rest of Canada. I am happy to see that this strategy has been followed by the former Minister, Mr. Allooloo, and the current Minister, Mr. Whitford.

Like Mr. Wray, I believe that the development of a transportation system should be one of the highest priorities of this government, not only for the link it provides with the rest of Canada, but for the substantial long-term and short-term economic benefits and opportunities it provides to the lesser developed regions of the N.W.T.

Thank you, Mr. Speaker.

**MR. SPEAKER:**

Item 3, Members' statements, Mr. Antoine.

Member's Statement On Unincorporated Communities In Nahendeh

**MR. ANTOINE:**

Thank you, Mr. Speaker. I rise today to speak about the four communities in my constituency of Jean Marie River, Nahanni Butte, Trout Lake, and Wrigley.

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Mr. Speaker, these communities are unincorporated, run by band councils, and they are classified by this government as unorganized communities. In debate on the budget of M.A.C.A. last Thursday, the Minister told me that departments have no policy to provide funding for these communities because they are considered unorganized.

Mr. Speaker, as I have stated before, I sometimes get frustrated in this House, but I have rarely been as frustrated as I was that day. I am tired of the constant running around. The Minister told me that these communities are under federal jurisdiction. The federal government states that they are a territorial responsibility, and I was wondering when does it stop.

I have outlined some of the conditions in these communities, particularly water and sewer in the Nahanni Butte. The Standing Committee on Finance had the opportunity to visit the community, and see some of these conditions.

The four communities are predominately traditional Dene communities. I guess the real question is, why can the people of the communities not enjoy the same programs and services that other residents of the Northwest Territories take for granted? Service such as a good, clean source of water, and a decent sewer system.

I was pleased that the Minister stated that the policy is being developed to fund communities that are, for want of a better term, unorganized. The policy is long overdue, and I expect that it will be completed soon.

I will have some questions on these issues, perhaps later today. Thank you.

**MR. SPEAKER:**

Item 3, Members' statements. Item 4, returns to oral questions. Item 5, oral questions. Mr. Gargan.

**ITEM 5: ORAL QUESTIONS**

Question O870-12(2): Status Of N.W.T. Transportation Strategy

**MR. GARGAN:**

Thank you, Mr. Speaker. I would like to direct my question to the Minister of Transportation.

Mr. Speaker, in my Member's statement today, I spoke about the importance of the N.W.T. Transportation Strategy, and the development of

transportation infrastructure in the Northwest Territories, particularly the development of a good highway system.

My question to the Minister is, could the Minister tell me whether the N.W.T. transportation strategy is still in the blueprint for the department, in the development of a transportation infrastructure in the Northwest Territories?

**MR. SPEAKER:**

Mr. Whitford.

Return To Question O870-12(2): Status Of N.W.T. Transportation Strategy

**HON. TONY WHITFORD:**

Yes, thank you, Mr. Speaker. Yes, very much so.

**MR. SPEAKER:**

Oral questions, supplementary, Mr. Gargan.

Supplementary To Question O870-12(2): Status Of N.W.T. Transportation Strategy

**MR. GARGAN:**

Thank you. My supplementary, Mr. Speaker, is the former Minister, Mr. Wray, spent a great deal of effort trying to secure funding from the federal department to implement the transportation strategy. Could the Minister tell me what steps the department has taken to negotiate with the federal government, to fund the projects that are set out in the transportation strategy?

**MR. SPEAKER:**

Mr. Whitford.

Further Return To Question O870-12(2): Status Of N.W.T. Transportation Strategy

**HON. TONY WHITFORD:**

Thank you, Mr. Speaker. Mr. Speaker, to answer the Member's question, as late as last week the department was meeting in Ottawa with federal officials to attempt to secure additional funding from the federal government to complete, or enhance, our transportation network. I believe, Mr. Speaker, and I hope that later on in this year I will have more positive news. At this time, I can say that the talks went well, and we are quite optimistic that some of the funding we will need to continue is close at hand.

**MR. SPEAKER:**

Oral questions, Mr. Bernhardt.

Question O871-12(2): Aboriginal Peoples' Participation In The Public Service Unions

**MR. BERNHARDT:**

Thank you, Mr. Speaker. I have a question for the Minister of Personnel. On September 15, I listened carefully to the statement which the Minister made in this House about northern hiring. I took particular note of his comment that, "our highest priority continues to be increasing the representation of aboriginal northerners in the public service". I also noticed that while he talked about the responsibility of the private sector, non-government organizations, and contractors, he made no reference to the role that organized labour should be playing to support aboriginal hiring principles.

My question is, Mr. Speaker, would the Minister of Personnel consider initiating consultations with the Union of Northern Workers, and the N.W.T. Teachers' Association, to develop strategies for increasing the profile of native people within the public service unions?

**MR. SPEAKER:**

Mr. Kakfwi.

Return To Question O871-12(2): Aboriginal Peoples' Participation In The Public Service Unions

**HON. STEPHEN KAKFWI:**

Mr. Speaker, the consultations have, I think, been ongoing with both unions, respectively, for some time now on an informal basis. I think both the teachers' union, and the Union of the Northern Workers, are aware that it is a clear objective of this government to see an increasing number of teachers in the north to be of aboriginal and northern status, and that we have adopted initiatives in the Department of Education to meet that short-term and long-term objective.

In the statement that I gave, it is also serving notice and I think that the indications have been served in the negotiations with the Union of Northern Workers, that more and more, we expect to see increasing numbers of northern people, aboriginal people of the north become members of the union. The collective agreement negotiations that take place every two years have to reflect that. The union had been served

notice, as well, that there is a limited amount of dollars. The changing membership of the unions has to impact on the kind of things that the union has traditionally negotiated for, and we expect will change. Thank you.

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**MR. SPEAKER:**

Item 5, oral questions. Mr. Pudlat.

Question O872-12(2): Availability Of Future H.A.P. Housing

**MR. PUDLAT:**

(Translation) Thank you, Mr. Speaker. My question will be directed to the Minister of Housing in regards to H.A.P. housing needs, the shortage of housing. My question is in regards to the clients that have applied for H.A.P. houses. People have come up to me and asked me if this will be an ongoing thing. I would like a response from the Minister of Housing, will this be an ongoing thing? Will people be able to apply for H.A.P. houses in the future?

**MR. SPEAKER:**

Mr. Morin.

Return To Question O872-12(2): Availability Of Future H.A.P. Housing

**HON. DON MORIN:**

Thank you, Mr. Speaker. Yes.

**MR. SPEAKER:**

Item 5, oral questions. Ms. Mike.

Question O873-12(2): Contaminated Greenland Sharks

**MS. MIKE:**

Thank you, Mr. Speaker. My question will be for the Minister of Economic Development and Tourism. Honourable Members may recall that on June 19, 1992, I made a Member's statement on the frustration that Inuit fishery workers in my constituency have felt about the waste of Greenland sharks, which were from the incidental catch in our turbot fishery.

Mr. Speaker, it offends our cultural values to see hundreds of pounds of shark left on the ice to spoil

because it has not been possible to secure markets for the hides and meat. I understand that the Minister of Economic Development and Tourism has been considering this problem. My question is, could he inform the House on the progress he has made in finding markets for the export of shark products since I raised this issue last June?

**MR. SPEAKER:**

Mr. Pollard.

Return To Question O873-12(2): Contaminated Greenland Sharks

**HON. JOHN POLLARD:**

Mr. Speaker, there has been some work done in that regard. I am informed that some of the sharks, or all of the sharks, may have some contamination in their flesh, and we are continuing to examine that situation. I will have a report back to the House at the next session, Mr. Speaker. Thank you.

**MR. SPEAKER:**

Supplementary, Ms. Mike.

Supplementary To Question O873-12(2): Contaminated Greenland Sharks

**MS. MIKE:**

Thank you, Mr. Speaker. Supplementary to the Minister of Economic Development and Tourism. Since the Minister knows that there has been some concern in the past over the potentially high concentration of contaminants in the sharks caught in the Cumberland Sound, will he make arrangements with his Cabinet colleague in Renewable Resources to initiate a testing program so that he can provide a detailed assessment of whether these products currently exceed national and international standards?

**MR. SPEAKER:**

Mr. Pollard.

Further Return To Question O873-12(2): Contaminated Greenland Sharks

**HON. JOHN POLLARD:**

Thank you, Mr. Speaker. Mr. Speaker, I will certainly sit down with Mr. Allooloo and discuss it and see what we can do in that area, yes.

**MR. SPEAKER:**

Item 5, oral questions. Supplementary, Ms. Mike.

Supplementary To Question O873-12(2):  
Contaminated Greenland Sharks

**MS. MIKE:**

Thank you, Mr. Speaker. My final supplementary, recognizing that in past years the department promised that Pangnirtung fisherman would be trained in salting and drying techniques that would reduce the cost for shipping the shark skins, but did not follow up, can the Minister indicate today whether or not he is prepared to provide such training at fisheries sites this winter?

**MR. SPEAKER:**

Mr. Pollard.

**HON. JOHN POLLARD:**

Mr. Speaker, I am not sure that is in our work plan for Pangnirtung this winter, but I will certainly look into it and get back to the Member. Thank you.

**MR. SPEAKER:**

Item 5, oral questions. Mrs. Marie-Jewell.

Question O874-12(2): Board Of Inquiry Terms Of Reference

**MRS. MARIE-JEWELL:**

Mr. Speaker, I have a question for the Minister of Health. Yesterday the Minister of Health indicated that he would be making a Minister's statement on the public inquiry in Fort Smith. I believe, because of the time frame that we are meeting today, and the new deadline in place to ensure that translations of statements are placed, the Minister was unable to make a statement.

I would like to ask the Minister if it is possible, in regard to the process of the public inquiry, to submit to me a copy of the terms of reference? Thank you.

**MR. SPEAKER:**

Mr. Patterson.

Return To Question O874-12(2): Board Of Inquiry Terms Of Reference

**HON. DENNIS PATTERSON:**

Yes, the Member is correct that, due to the early translation deadlines this morning, I am unable to make the promised statement this morning, but will do so tomorrow. I had also intended, with the statement, to circulate a copy of the terms of reference for the public inquiry which have been approved by Cabinet. I can furnish an untranslated copy to the honourable Member later today. Thank you.

**MR. SPEAKER:**

Item 5, oral questions. Mr. Dent.

Question O875-12(2): Extension Of Victims Impact Statement Program

**MR. DENT:**

Thank you, Mr. Speaker. My question is for the Minister of Justice. In his reply of September 22 to my question about expansion of the Victim Impact Statement Pilot Project, the Minister noted that relatively few victims are taking advantage of the opportunity to use the statements. Recognizing that more sentencing submissions are heard in Yellowknife than any other courthouse or circuit venue in the Northwest Territories, and that Yellowknife has volunteer agencies that could encourage and assist in ensuring the use of the Victim Impact Statements, would the Minister consider extending the pilot project to this

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community, to enable a better evaluation of the Victim Impact Statement service?

**MR. SPEAKER:**

Mr. Kakfwi.

Return To Question O875-12(2): Extension Of Victims Impact Statement Program

**HON. STEPHEN KAKFWI:**

Mr. Speaker, in between sneezes, I think I got the gist of the question. Mr. Speaker, I do not know whether you raise this as a point of order or not, but I know that when a Member is asked to answer a question, there are not any interruptions allowed, and it does



throw the question off, in some cases. It does create some problems for me.

**MR. SPEAKER:**

I am not clear, are you raising a point of order, Mr. Kakfwi?

**HON. STEPHEN KAKFWI:**

Yes, I am raising a point of order, thank you.

**MR. SPEAKER:**

Would you clearly state your point of order, please, Mr. Kakfwi?

**HON. STEPHEN KAKFWI:**

Mr. Speaker, there is, I believe, a point of order. Thank you.

**MR. SPEAKER:**

Would you clearly state your point of order, Mr. Kakfwi?

**HON. STEPHEN KAKFWI:**

Mr. Speaker, there is a point of order to be made, in that there are certain Members who have taken to habitually sneezing, which is involuntary, but also, there are certain Members who have given to muttering, giggling and laughter at inappropriate times, when Members are trying to answer questions. It does cause some distraction, and some disorder in the House. I wanted to raise that. Thank you.

**MR. SPEAKER:**

If I could comment, I do not see that you have a point of order. I think it would be very difficult to rule on whether or not a sneeze, especially in the fall, when half of the Members have colds, is appropriate, or not appropriate. It has been normal parliamentary practice on parliaments across the country, to allow some latitude in Members reactions.

I have not detected, anything whatsoever, out of the ordinary, Mr. Kakfwi, and I disallow your point of order. Mr. Lewis, point of privilege.

Point Of Privilege

**MR. LEWIS:**

Mr. Speaker, at this time of the year, I very often find that with the onset of winter, I do get a cold, and over the last minute and a half, I sneezed twice, and it was as a result of an involuntary eruption, which I had no control over. Thank you.

---Laughter

**MR. SPEAKER:**

Thank you. If there is any more discussion needed, I may have to bring an expert medical opinion into the House.

---Laughter

Mr. Kakfwi, I think you were responding to an oral question.

Return To Question O875-12(2): Extension Of Victims Impact Statement Program

**HON. STEPHEN KAKFWI:**

Mr. Speaker, the project on the Victim Impact Statements, was decided some time ago, in 1991. There were some communities that were selected, as the Member indicated, to do a pilot project, since it was agreed by the officials involved in Social Services, the R.C.M.P., and the Department of Justice, that it would be a rather complex undertaking.

We have indicated to the House, that there are some difficulties being perceived at this time. For instance, in the initial stages of the project, over 90 statements were filled out to our knowledge, but, in fact, only a small percentage of those were actually received by the legal system. I think that only two have been actually used in the courts itself, as to the reasons for it, we are not able to provide this at this time, at least, I have not received anything, except that the people involved between the R.C.M.P., our department, and Social Services, are investigation that.

Until there is some preliminary conclusions drawn from the initial pilot project communities, and the way that it was set up, I do not see how it would be of any immediate use to try, while we are trying to correct some initial problems, to set up another, supposedly pilot project, in the city of Yellowknife. Thank you.

**MR. SPEAKER:**

Item 5, oral questions. Supplementary, Mr. Dent.

Supplementary To Question O875-12(2): Extension Of Victims Impact Statement Program

**MR. DENT:**

Thank you, Mr. Speaker. In discussing this problem with advocacy groups in communities around the Northwest Territories, and, indeed, south of 60, I was advised that a Victims Impact Statement Program, in order to be successful, needs to have a strong advocacy group pushing its use. I suspect that part of the problem, in some of the small communities, where this pilot project is being used, is that there is not such a strong advocacy group there.

Will the Minister take a look at expanding the pilot project into other communities, if not Yellowknife, where there are advocacy groups who would encourage the use of the Victims Impact Statements?

**MR. SPEAKER:**

Mr. Kakfwi.

Further Return To Question O875-12(2): Extension Of Victims Impact Statement Program

**HON. STEPHEN KAKFWI:**

Mr. Speaker, the initial pilot projects were set up some time ago. I think, perhaps, if it gives any further assurance to the Member, that my no, might be a maybe. I am prepared to go to the affected agencies that have initiated this pilot project, and are in the process of implementing, and evaluating it, to see if they see any merit in the suggestion that the Member is making. Thank you.

**MR. SPEAKER:**

Item 5, oral questions. Mr. Todd.

Question O876-12(2): Departmental Officials Seconded To Health Boards

**MR. TODD:**

Thank you, Mr. Speaker. My question will be for the Minister of Health. Mr. Speaker, the Minister delivered an address to the membership of the N.W.T. Health Care Association at their annual

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general meeting in Yellowknife, on September 21.

One of the things that he said, which I think is worthy of close attention, is when talking about relations between board managers and their departmental counterparts, the Minister commented that I will attempt to provide career development opportunities through term assignments and rotation. He also commented that it might become a matter of principle, that no one would reach a senior position in the department, without appropriate board experience, and vice versa.

Mr. Speaker, that sounds to me like it could be coded for an intentions to parachute departmental officials into management positions within current health and hospital boards in order to run them, according to headquarters priorities.

Will the Minister indicate, to the House, whether he is currently planning to arrange secondments that would transfer departmental officials from headquarters into management positions within hospital or health boards in the Northwest Territories?

**MR. SPEAKER:**

Could I ask Members in oral questions, if they would be cautious about quoting from statements made by Ministers, or Members, outside the House? Mr. Patterson. Order please, Mr. Patterson.

Return To Question O876-12(2): Departmental Officials Seconded To Health Boards

**HON. DENNIS PATTERSON:**

Mr. Speaker, I am disappointed that the Member would attribute such sinister motives to my address to the Health Care Association. I tried to reach out and invite improved relations between health boards, and the Department of Health.

I suggested a number of means, by which I thought improved relations could occur. That there should be direct relationship between the Minister and Chairs, there should be communications protocol, and yes, that it would be advantageous to health boards, and to the Department of Health, if people with field experience and headquarters experience, if you like, could exchange, and have the kind of executive interchanges that are common place in the public service.

Mr. Speaker, I would like to clarify, to the honourable Member, that this would not happen without the full concurrence of health boards. It is interesting that I have just had a chance to meet with the Inuvik

Regional Health Board, I made the same suggestion, and I am pleased to tell the House, that is was welcomed by the health board in Inuvik. It would be advantageous to some of their people who have experience working in the Department of Health, and vice versa, but it would not be done unilaterally. It would be done only with the agreement, and cooperation, of health boards, and the department.

**MR. SPEAKER:**

Item 5, oral questions, Mr. Antoine.

Question O877-12(2): Transfer Of Social Assistance Responsibility

**MR. ANTOINE:**

Thank you, Mr. Speaker. I wanted to ask a question to the Minister responsible for Municipal and Community Affairs, but he is not in the House, so I will ask another question for the Minister responsible for Social Services.

The Minister should be aware that the Fort Liard Band Council is interested in assuming administrative and managerial control of social assistance programs. This proposal was supported by the band council, the hamlet, and more recently, at the Deh Cho Tribal Council Meeting September 9 to 11.

Recognizing that the strong support exists for local management of social assistance, will the Minister indicate whether he is prepared to transfer responsibility for the administration of this program to the Fort Liard Dene Band?

**MR. SPEAKER:**

Mr. Patterson.

Return To Question O877-12(2): Transfer Of Social Assistance Responsibility

**HON. DENNIS PATTERSON:**

Yes, Mr. Speaker.

**MR. SPEAKER:**

Supplementary, Mr. Antoine.

Supplementary To Question O877-12(2): Transfer Of Social Assistance Responsibility

**MR. ANTOINE:**

Thank you, Mr. Speaker. Can the Minister outline the process he will use to review this request for the transfer of administrative responsibility?

**MR. SPEAKER:**

Mr. Patterson.

Further Return To Question O877-12(2): Transfer Of Social Assistance Responsibility

**HON. DENNIS PATTERSON:**

Mr. Speaker, I have some information about that request. I cannot just put my hands on it at the moment, but I can tell the honourable Member that the Department of Social Services is taking community transfers very seriously. We have a person assigned within the department specifically to deal with those requests, and there are a number of them in the Northwest Territories. The procedure, Mr. Speaker, is that the coordination of these transfers will be undertaken by the Ministry of Aboriginal and Intergovernmental Affairs, but once the overall approval is given, then negotiations will be undertaken at the community level through the department concerned, and the appropriate regional staff. Thank you, Mr. Speaker.

**MR. SPEAKER:**

Supplementary, Mr. Antoine.

Supplementary To Question O877-12(2): Transfer Of Social Assistance Responsibility

**MR. ANTOINE:**

Thank you, Mr. Speaker. How soon will the Minister be able to initiate negotiations with the Fort Liard Band Council on this subject?

**MR. SPEAKER:**

Mr. Patterson.

**HON. DENNIS PATTERSON:**

As I say, Mr. Speaker, the detailed information on that request is not at hand, so I will have to take the question as notice. I will try to get back to the Member before the end of this week. Thank you.

**MR. SPEAKER:**

Question has been taken as notice. Item 5, oral questions, Mr. Pudlat.

Question O878-12(2): Relocation Of Lake Harbour Airstrip

**MR. PUDLAT:**

(Translation) Thank you, Mr. Speaker. I would like to ask a question to the Minister of Transportation.

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As we know, we have been on this land for hundreds of years, we know that roads and highways are constructed, and have been used for many years. My question is about a runway in Lake Harbour, and we have run into problems with it. I would like to urge, with the support of my colleagues, to improve this. I know it is in the plans for 1997, Mr. Speaker, but I would like to ask the Minister of Transportation, would the Minister make a feasibility study for the Lake Harbour runway to be elsewhere, other than its place at the present time? As we know, we have been on the land for hundreds of years, these things are constructed, and could be in use for many, many years to come.

My question is, could there be a feasibility study on moving the runway that is presently there? Thank you, Mr. Speaker.

**MR. SPEAKER:**

Mr. Whitford.

Return To Question O878-12(2): Relocation Of Lake Harbour Airstrip

**HON. TONY WHITFORD:**

Thank you, Mr. Speaker. Currently we do not have any plans to do a feasibility study on Lake Harbour Airport. We recognize, of course, Mr. Speaker, that there are concerns by the community about the runway and its location. However, the concerns are those that we were not able to meet. At the present time, the airport is a certified airport, we hear the concerns that are expressed, and we will continue to talk to the community and see how we can alleviate some of the concerns that they have. At the present time, there is no plan to move the airport to another location.

Item 5, oral questions. Supplementary, Mr. Pudlat.

**MR. SPEAKER:**

Supplementary To Question O878-12(2): Relocation Of Lake Harbour Airstrip

**MR. PUDLAT:**

(Translation) Thank you, Mr. Speaker. Supplementary to my question to the same Minister. Yes, we know that there are no current dangers of that runway, and we know that this has been a concern for many years, and my predecessor Joe Arlooktoo had worked on it a lot. If there was to be an emergency, or an accident, that is only when they will act on it. Will the Minister, in the coming years, have a plan made to make a feasibility study at the runway in Lake Harbour? Thank you, Mr. Speaker.

**MR. SPEAKER:**

Mr. Whitford.

Further Return To Question O878-12(2): Relocation Of Lake Harbour Airstrip

**HON. TONY WHITFORD:**

Thank you, Mr. Speaker. Yes, I can appreciate the Member's concern, and I have also been aware of the former Member's expression of concern on the airport. I have been to Lake Harbour, and I am aware of the situation. What I will do, Mr. Speaker, is continue a dialogue with the community on ways of dealing with this concern that they have, Mr. Speaker.

**MR. SPEAKER:**

Supplementary, Mr. Pudlat.

Supplementary To Question O878-12(2): Relocation Of Lake Harbour Airstrip

**MR. PUDLAT:**

(Translation) Yes, you answered my question very well, but I know because it is my own community that Air Baffin had some mishaps on that runway, and Air Baffin is one of the new airlines that is coming into our community. They have some good prices on their fares, but they have had a couple of mishaps, especially with the slightly bigger airplanes. With the mishaps that have happened, would that not be a fairly good reason to do a feasibility study to improve the runways? That is why I brought up this concern about the feasibility plan that they have, because it is quite a danger to our people. I would like to be informed, if there would be any plans for a feasibility study for a new runway? Thank you, Mr. Speaker.

**MR. SPEAKER:**

Mr. Whitford.

Further Return To Question O878-12(2): Relocation Of Lake Harbour Airstrip

**HON. TONY WHITFORD:**

Thank you, Mr. Speaker. Again, I will reiterate that we are aware of the concerns that Lake Harbour is expressing about their airport, and what I will do, Mr. Speaker, to assist the Member, is to follow-up with a review of those concerns with the community. We will do this in conjunction with the Member so that he does have up-to-date information on what we are doing and what we can find. This will take some time, in the next few months, but we will continue to work closely with the community on this problem. Thank you, Mr. Speaker.

**MR. SPEAKER:**

Item 5, oral questions. Mrs. Marie-Jewell.

Question O879-12(2): Rural And Remote Program

**MRS. MARIE-JEWELL:**

Thank you, Mr. Speaker. I have a question for the Minister of Housing. Can the Minister of Housing advise this House, as to whether the Rural and Remote Program is still in effect? Thank you.

**MR. SPEAKER:**

Mr. Morin.

Return To Question O879-12(2): Rural And Remote Program

**HON. DON MORIN:**

Thank you, Mr. Speaker. I do not know whether it is still in effect in the south, but I know that we do not deliver it any more. Thank you.

**MR. SPEAKER:**

Item 5, oral questions. Supplementary, Mrs. Marie-Jewell.

Supplementary To Question O879-12(2): Rural And Remote Program

**MRS. MARIE-JEWELL:**

Mr. Speaker, to the same Minister, that program is not available in the north any longer. There have been a number of clients, in my constituency, who took advantage of that particular program. Would the Minister be able to review, to determine whether it is beneficial for these individuals to possibly tie into another type of a program other than the Rural and Remote Program, that is no longer available? Thank you.

**MR. SPEAKER:**

Mr. Morin.

Further Return To Question O879-12(2): Rural And Remote Program

**HON. DON MORIN:**

Thank you, Mr. Speaker. The Housing Corporation, along with the communities right now, are revising the Homeownership Program, and that should make it so that more people are eligible to apply for the Homeownership Program. That should alleviate that problem of not having that Rural and Remote Program.

**MR. SPEAKER:**

Supplementary, Mrs. Marie-Jewell.

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Supplementary To Question O879-12(2): Rural And Remote Program

**MRS. MARIE-JEWELL:**

Mr. Speaker, I do not believe that the Minister caught my question. I asked if his department, or the Housing Corporation, would review the existing clients who have a Rural and Remote Program, which is no longer available in the south, and see if it would be possible, and be more beneficial to these individuals, whether or not they can take advantage of another program, if the Rural and Remote Program is indeed redundant? Thank you.

**MR. SPEAKER:**

Mr. Morin.

**HON. DON MORIN:**

Thank you, Mr. Speaker. Maybe I could get some clarification, if I am allowed, from the Member. My

understanding is that the Rural and Remote Program is a mortgage program, and those clients that were involved do have a mortgage. Are you asking to have another program set up where people could go and borrow the money to pay off that rural and remote mortgage? Is that the question?

**MR. SPEAKER:**

I will allow the Member to give clarification, it will not count as one of your supplementaries.

**MRS. MARIE-JEWELL:**

Mr. Speaker, rural and remote, as I understood it, is not only a mortgage program, through C.M.H.C., but I believe it was available through N.W.T. Housing Corporation, and that program is no longer available under the criteria that my constituents applied for. If that program is no longer available, what other options are available to my constituents to take care of the redundant program that they are in?

**MR. SPEAKER:**

Mr. Morin. Did the clarification, make it clear?

Further Return To Question O879-12(2): Rural And Remote Program

**HON. DON MORIN:**

Thank you, Mr. Speaker. There are no other options, but I will discuss the issue with the Member later on.

**MR. SPEAKER:**

Item 5, oral questions. Ms. Mike.

Question O880-12(2): Surveys For Relocation Of Lake Harbour Airstrip

**MS. MIKE:**

Thank you, Mr. Speaker. My question will be to the Minister of Transportation in regard to the Lake Harbour airstrip.

My question is, has his department done any surveys on different locations in Lake Harbour for the future plan to build an airstrip?

**MR. SPEAKER:**

Mr. Whitford.

**HON. TONY WHITFORD:**

Thank you, Mr. Speaker. I will take the question as notice, Mr. Speaker.

**MR. SPEAKER:**

The question has been taken as notice. Item 5, oral questions. Mrs. Marie-Jewell.

Question O881-12(2): Emergency Repair Program

**MRS. MARIE-JEWELL:**

Thank you, Mr. Speaker. I would like to ask the Minister of Housing if the Emergency Repair Program is in affect? Thank you.

**MR. SPEAKER:**

Mr. Morin.

Return To Question O881-12(2): Emergency Repair Program

**HON. DON MORIN:**

Thank you, Mr. Speaker. Yes.

**MR. SPEAKER:**

Supplementary, Mrs. Marie-Jewell.

Supplementary To Question O881-12(2): Emergency Repair Program

**MRS. MARIE-JEWELL:**

Mr. Speaker, would he be able to give us the guidelines, and the amount available to constituents under the Emergency Repair Program? Thank you.

**MR. SPEAKER:**

Mr. Morin.

Further Return To Question O881-12(2): Emergency Repair Program

**HON. DON MORIN:**

Thank you, Mr. Speaker. Yes.

**MR. SPEAKER:**

Item 5, oral questions. Supplementary, Mrs. Marie-Jewell.

Supplementary To Question O881-12(2): Emergency Repair Program

**MRS. MARIE-JEWELL:**

Mr. Speaker. The Minister said, yes, he would give us the guidelines, and the amount available. Can he advise this House as to when he will do that? Thank you.

**MR. SPEAKER:**

Mr. Morin.

Further Return To Question O881-12(2): Emergency Repair Program

**HON. DON MORIN:**

Thank you, Mr. Speaker. I will distribute copies to Members today.

**MR. SPEAKER:**

Item 5, oral questions. Mr. Gargan.

Question O882-12(2): Amendments To Principally Engaged Policy

**MR. GARGAN:**

Thank you, Mr. Speaker. Mr. Speaker, I would like to direct my question to the Minister responsible for the Workers' Compensation Board. Yesterday, I asked and he answered, Mr. Speaker, the Minister, about what he has done to change the policy used by the Workers' Compensation Board to define their perception of who is principally engaged as working as a traditional harvester.

Mr. Speaker, I was surprised and dismayed to hear the Minister's response. It sounded as though he was trying to blame the fact that the policy has not been changed on the budgeting process within the Department of Renewable Resources.

Mr. Speaker, this policy has been criticized by Hunters' and Trappers' Associations, the Standing Committee on Agencies, Boards and Commissions, and even the Workers' Compensation Board's own appeal committee. Recognizing that this is not a renewable resource policy, but that it is a policy established by the Workers' Compensation Board, and recognizing that flaws in the policy have been apparent for well over a year, when is the Minister going to finally exercise some leadership and bring the new policy definition into effect?

**MR. SPEAKER:**

Mr. Patterson.

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Return To Question O882-12(2): Amendments To Principally Engaged Policy

**HON. DENNIS PATTERSON:**

As soon as possible, Mr. Speaker. I would like to clarify to the Member that I do not see the problem, as particularly one of funding. As I see it, the Department of Renewable Resources will be spending the money that they now have budgeted in a different way, in a more effective way. I have been inquiring with officials in the Department of Renewable Resources, who are preparing the scheme, since the Member's question yesterday, and I have been told that the package should be brought forward to Cabinet through Renewable Resources, and myself, in the next few weeks. Thank you, Mr. Speaker.

**MR. SPEAKER:**

Item 5, oral questions. Supplementary, Mr. Gargan.

Supplementary To Question O882-12(2): Amendments To Principally Engaged Policy

**MR. GARGAN:**

Thank you, Mr. Speaker. The Minister kept referring to the fact that there is not enough money in the Renewable Resources budget to pay for a more generous policy. He should realize that traditional harvesters are not asking for a more generous policy, they want one that is more sensible. Right now, the policy defines hunters and trappers in terms of minimum income level and weeks of work concepts, that have never been used in our traditional culture to recognize the hunter in our communities.

I would ask the Minister, when actions have been taken personally to bring about a more sensible definition of which persons should be recognized as traditional hunters and trappers, under section one of the Workers' Compensation Act, has he done anything?

**MR. SPEAKER:**

Mr. Patterson.

Further Return To Question O882-12(2): Amendments To Principally Engaged Policy

**HON. DENNIS PATTERSON:**

Mr. Speaker, I have been encouraging the Department of Renewable Resources to use its expertise with regard to hunters and the Hunters' and Trappers' Association to develop a definition of a person principally engaged in hunting that is much more simplified, and would apply much more broadly to the average person who is dependent on hunting for their livelihood.

Mr. Speaker, I believe that great progress has been made in developing an approved definition, and, as I said earlier to the honourable Member, the new program can be funded within existing resources, provided the level of assessed income is not necessarily the same for a person working in the industrial wage economy.

I can only assure the Member that I can understand what he is getting at, I agree the definition is restrictive, it is overdue for change, a paper is about to come forward, and it may require an amendment to the Workers' Compensation Board Act. What I would request of honourable Members in this Assembly, is that if such an amendment appears to be required to make the definition fit the new scheme, that is well on the way to completion, as being developed by Renewable Resources, I would ask that we have the cooperation of honourable Members to secure speedy passage of that amendment if it turns out to be required. Thank you.

**MR. SPEAKER:**

Item 5, oral questions. Ms. Mike.

Question O883-12(2): Marketing Potential For Baffin In-shore Fishery

**MS. MIKE:**

Thank you, Mr. Speaker. I have a question for the Minister of Economic Development and Tourism. On June 22, 1992, I asked the Minister, and he assured this House, that he would undertake an evaluation of marketing potential for the whelk harvest available to the Baffin in-shore fishery.

He indicated that he would definitely look into the marketing of this edible marine snail, and have his study completed by September 1992. Mr. Speaker, September has almost come and gone, and there have been no announcements from the Minister as to the results of his review of the market potential for the whelk. Would the Minister of Economic Development

and Tourism advise the House of the results of his investigations into market availability for this promising northern seafood product?

**MR. SPEAKER:**

Mr. Pollard.

**HON. JOHN POLLARD:**

Mr. Speaker, the department has been working on it. Where they are at with it right now, I will take the question as notice, and get back to the Member. Thank you.

**MR. SPEAKER:**

Question has been taken as notice. Item 5, oral questions. Mr. Antoine.

Question O884-12(2): Akaitcho Hall Management And Procedural Review

**MR. ANTOINE:**

Thank you, Mr. Speaker. I have a question for the Minister of Education in regards to the Akaitcho Hall Review. It has been one month since the student residence of Akaitcho Hall has been occupied for the school year. There was a review done May 19, about 10 people were on the review team and they listened to the people who have an interest in developing Akaitcho Hall.

The task was to conduct a comprehensive review of the management and operation of the Akaitcho Hall student residence, and Home Boarding Programs, to ensure that quality care and supervision is provided for all students in the program. It describes a style of leadership which necessitates student staff working to solve problems, and plan for the future.

There were a series of recommendations that were made. I was curious, and maybe the Minister could explain, how this whole recommendation and the operation of the Akaitcho Hall residences is going at this present time. Thank you.

**MR. SPEAKER:**

Mr. Arvaluk.

Return To Question O884-12(2): Akaitcho Hall Management And Procedural Review

**HON. JAMES ARVALUK:**



Thank you, Mr. Speaker. The report has been distributed to the Members. Up to this date, I have not received a direct complaint from either the students or the employees of Akaitcho Hall after the recommendations have been implemented there. I guess I would say that so far things have been going quite well. Thank you.

**MR. SPEAKER:**

Item 5, oral questions. Mrs. Marie-Jewell.

Question O885-12(2): Compliance With College Of Physicians Terms Of Reference

**MRS. MARIE-JEWELL:**

Thank you, Mr. Speaker. I have a question for the Minister of Health. Mr. Speaker, on September

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10, I tabled the terms of a review that has been established for review of the Fort Smith Health Centre, by the Saskatchewan College of Physicians and Surgeons. I asked the Minister of Health a question about the terms of reference, whether or not they have been complied with.

I noted that the terms of reference require that four, or five, doctors should undertake the review. At the time, Mr. Speaker, I had asked the Minister whether it was true that only two doctors had completed the review. Mr. Speaker, the Minister took the question as notice, and I recognize that there are no rules in our rule book that allows a time frame for a reply to be done, however, recognizing that it has been three weeks since I posed my original question, and we are trying to conclude the business of the House, I would like to ask the Minister when will the Minister answer my questions? When will he tell the House whether the terms of reference for the Saskatchewan report were violated? Thank you.

**MR. SPEAKER:**

Mr. Patterson.

Return To Question O885-12(2): Compliance With College Of Physicians Terms Of Reference

**HON. DENNIS PATTERSON:**

Mr. Speaker, I can tell the honourable Member that certainly there were only two doctors that did the review, I could have answered that at the time.

However, the matter as to why there were only two doctors, when the terms of reference called for four or five, is a technical matter, and I do not know today why the answer has not come forward.

I know that legal counsel involved with this matter have been heavily involved with litigation that is under way in the Supreme Court of the Northwest Territories. That may be one reason why the answer has not been as prompt as the Member might hope.

However, Mr. Speaker, I know we are scheduled to possibly conclude sitting within a week or so, or even by the end of this week, so I will undertake to see if the answers to the questions I took as notice can be provided to the honourable Member before the end of this week. Thank you.

**MR. SPEAKER:**

Item 5, oral questions, supplementary, Mrs. Jewell.

Supplementary To Question O885-12(2): Compliance With College Of Physicians Terms Of Reference

**MRS. MARIE-JEWELL:**

Thank you, Mr. Speaker. Would the Minister also indicate to this House whether or not the Saskatchewan Report terms of reference were indeed violated? Thank you.

**MR. SPEAKER:**

Mr. Patterson.

Further Return To Question O885-12(2): Compliance With College Of Physicians Terms Of Reference

**HON. DENNIS PATTERSON:**

Well, Mr. Speaker, certainly it is clear that when the terms of reference call for four or five doctors, and there only ended up being two, the terms of reference were altered. I would not use the word violated, Mr. Speaker, because that implies that they were altered improperly. I think the information the Member is seeking is how the terms of reference were adjusted. If they were adjusted by an officer authorized by the Fort Smith Health Centre Board of Directors, then it would have been quite proper that the final details of the inquiry were amended. That is the issue, Mr. Speaker, so I would say to the honourable Member the terms of reference were adjusted, but whether that was proper or improper is a technical and legal

question on which I expect to provide the proper answer as promptly as possible. Thank you.

**MR. SPEAKER:**

Could we please ask Members to be cautious. If a Minister has taken a question as notice, then it is not the normal practice of the House to pursue that question. I think the original question asked by the Member, as to when, was legitimate, but to get into more details of that, I think it is something that is not normally acceptable in this House.

Oral questions. Mr. Lewis.

Question O886-12(2): Names Whose Student Loans Were Written Off

**MR. LEWIS:**

Thank you, Mr. Speaker. My question is for the Minister of Education. We have learned that the government has written off \$125,000 in loans, and these write offs, we have been told, have been made because the money is not collectable. Could the Minister indicate to me whether he is prepared to give us the names of those people whose loans have been written off?

**MR. SPEAKER:**

Mr. Pollard.

Return To Question O886-12(2): Names Whose Student Loans Were Written Off

**HON. JOHN POLLARD:**

Mr. Speaker, all departments of the government, when they have monies owed to them, and they cannot collect them, eventually turn them over to the Department of Finance for collection. This question was raised last week, Mr. Speaker, as you know, and we are presently investigating through the Comptroller General's office what the procedure is with regards to student loans that are not collectable in the estimation of the Department of Finance. We will be reporting to the House on that matter this week, Mr. Speaker.

**MR. SPEAKER:**

Oral questions, Mr. Lewis.

Question O887-12(2): Student Loans Written Off

**MR. LEWIS:**

Supplementary, then, to that same question, Mr. Speaker. Could the Minister of Education please tell me whether any of those loans were written off, not because they were uncollectible, but because they individual borrower had asked that money be written off, for whatever reason?

**MR. SPEAKER:**

Mr. Lewis, that is a new question to a different Minister. Mr. Lewis, that is a new question. Mr. Pollard. Point of order, Mr. Lewis.

Point of Order

**MR. LEWIS:**

Yes, Mr. Speaker. I did ask my initial question to the Minister of Education, and the Minister of Finance responded to the question I asked that Minister, so that is why I returned to my supplementary to the same Minister, to which I had addressed my original question.

**MR. SPEAKER:**

Now, that is fine, Mr. Lewis. Your point of order is valid. Mr. Arvaluk.

Return To Question O887-12(2): Student Loans Written Off

**HON. JAMES ARVALUK:**

I do not know, Mr. Speaker. I could check that out, and report back to the Member. Thank you.

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**MR. SPEAKER:**

Thank you. Oral questions. Item 6, written questions. Item 7, returns to 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. Lewis.

ITEM 12: TABLING OF DOCUMENTS

**MR. LEWIS:**

Thank you, Mr. Speaker. I wish to table, Tabled Document 100-12(2), a proposed Private Member's Public Bill, which proposed to amend the Liquor Act to allow for the establishment of breweries in the Northwest Territories.

**MR. SPEAKER:**

Mr. Lewis, tabling of documents. Mr. Todd.

**MR. TODD:**

Thank you, Mr. Speaker. I would like to table the following document, Tabled Document 101-12(2). Speaking notes from the address delivered by the Minister of Health to the 1990 new annual meeting of the N.W.T. Health Care Association on September 21, 1992.

**MR. SPEAKER:**

Tabling of documents, Mr. Nerysoo.

**MR. NERYSOO:**

Thank you, Mr. Speaker. I would like to table the following document, Tabled Document 102-12(2), a News/North article September 7, 1992, titled, "Cournoyea Backs A.I.D.S. Disclosure".

**MR. SPEAKER:**

Tabling of documents, Ms. Cournoyea.

**HON. NELLIE COURNOYEA:**

Mr. Speaker, I wish to table the following document, Tabled Document 103-12(2). Northwest Territories Power Corporation Annual Report 1991-92

**MR. SPEAKER:**

Tabling of documents. Item 13, notices of motion. Mr. Lewis.

**ITEM 13: NOTICES OF MOTION**

Motion 38-12(2): Tabled Document 100-12(2) "A Proposed Private Member's Public Bill" To Amend The Liquor Act

**MR. LEWIS:**

Thank you, Mr. Speaker. I give notice that on Thursday, October 1, 1992, I will move the following motion. I move, seconded by the honourable Member for Yellowknife Frame Lake, that tabled document 100-12(2) a proposed Private Member's Public Bill to amend the Liquor Act referred to the Standing Committee on Legislation for Review.

**MR. SPEAKER:**

Notices of motion. Item 14, notices of motions for first reading of bills. Item 15, motions. Item 16, first reading of bills. Mr. Kakfwi.

Point Of Privilege

**MR. KAKFWI:**

Mr. Speaker, I would like to raise a point of privilege.

**MR. SPEAKER:**

Point of privilege, Mr. Kakfwi.

**HON. STEPHEN KAKFWI:**

Yes, Mr. Speaker. In the newscast of C.B.C. at 8:30 a.m. this morning there were certain statements, and allegations, which were made that I would like to address.

**MR. SPEAKER:**

Mr. Kakfwi, under our rules it says "filed with us one hour before", he is well within the time limit. Proceed, please, Mr. Kakfwi.

**HON. STEPHEN KAKFWI:**

Thank you. Mr. Speaker, in the newscast, C.B.C. I believe makes a misleading statement when they suggest that the territorial government will not sign an accord that ensures Metis people get the same rights as other aboriginal people, under the Constitution of Canada.

The fact is this is misleading because the Metis Accord does not do that. It just makes it possible for Metis people in the provinces to be given some assurance that they will have some reasonable cause to believe that they will have access to resources, and particularly, lands, that they need in order to complete negotiations.

The Constitution, as it is proposed to be amended now, gives the Metis people all of the rights that are being accorded to all of the aboriginal people of Canada. The accord does not deal with the rights, only with the provisions that would make governments committed to negotiate the provisions.

Secondly, the announcer goes on to say that Mr. Bohnet says that a draft agreement was reached with officials of the territorial government but that by the time it got to Cabinet, the government changed its mind. There is absolutely no basis for this statement,

I would say that it is a false statement, or at least a misinformed statement. The President of the Metis Nation goes on to make the allegation that there are certain individuals in the government who are not laying their cards on the table and not dealing fairly, or honestly, with the Metis.

I reject that categorically. I believe that there is also a further false statement. When the announcer says that myself, as a Minister of Aboriginal Rights, told M.L.A.s that even though the Metis were told that the government would originally sign the accord, the decision was not to be much of a concern. I think what I had said was, and I have said it from the beginning, that the territorial government support the accord as it is, if we were to sign it, would have certain wording changed.

The leaders of the Metis Nation had originally agreed to the draft and at a later date changed their mind. The National Chief of the Dene Nation had serious objections to the Metis accord as it was being contemplated, with the idea that the G.N.W.T. should sign such an accord. Mr. Speaker, I raise it because I think that we are in a tight time frame and there is a real need out there in the communities for factual, clear statements to be made in regard to peoples' views, and positions.

The allegations and the statements contained within that statement needed to be clarified and clarified immediately. I believe it was making allegations which I think are totally unsubstantiated. Thank you.

**MR. SPEAKER:**

Thank you, Mr. Kakfwi. 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; Tabled Document 62-12(2), Report on Northwest Territories Operations at Expo '92 as at May 31, 1992; Tabled Document 66-12(2), Working Toward a Common Future, Commission for Constitutional Development; Tabled Document 70-12(2), The Justice House, Report of the Special Advisor on Gender Equality; Motion 6, Discussion on Sobriety Clause in Contribution Agreement; committee report 10-12(2), Special Committee on Constitutional Reform Report on the Multilateral Conferences on the Constitution; Committee Report 17-12(2), Report on the Review of the 1992-93 Main Estimates; Committee Report 18-12(2), Multilateral Meetings on the Constitution and First Ministers'-

Aboriginal Leaders' Conferences on the Constitution; Bill 9, An Act to Amend the Insurance Act; Bill 31, An Act to Amend the Student Financial Assistance Act,

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Bill 32, An Act to Amend the Young Offenders Act, No. 2; Bill 33, Appropriation Act No. 2, 1992-93; Minister's Statement 82-12(2), Update on the National Constitutional Reform Negotiations, with Mr. Pudluk in the Chair.

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

**CHAIRMAN (Mr. Pudluk):**

Now this committee will come to order. Yesterday we were dealing with Committee Report 18-12(2), Committee Report 10-12(2) and also Minister's Statement 82-12(2). We were still on general comments yesterday. What does this committee wish to do this morning? Mr. Nerysoo.

**MR. NERYSOO:**

Mr. Chairman, we would like to continue with the discussions that we were having yesterday.

**CHAIRMAN (Mr. Pudluk):**

Does this committee agree? Mr. Pollard.

**HON. JOHN POLLARD:**

Yes, we concur with that, Mr. Chairman. I would just like some clarification, if there will be any motions adopted, if Mr. Nerysoo could clarify that matter for us, please.

**CHAIRMAN (Mr. Pudluk):**

Thank you. Mr. Nerysoo.

**MR. NERYSOO:**

Mr. Chairman, we are a long ways away from the motions, we are still on general comments, and we will deal with that when we get to it.

**CHAIRMAN (Mr. Pudluk):**

Thank you. Yes, we will deal with general comments at this time, and later on, if the committee wants to make a motion that is fine. Right now, we are on general comments. There were still two members

who wanted to speak to general comments on my list. Mr. Kakfwi.

General Comments On Committee Reports 18-12(2) and 10-12(2), and Minister's Statement 82-12(2)

**HON. STEPHEN KAKFWI:**

Thank you, Mr. Chairman. I was speaking when we decided to close for the day yesterday, but I wanted to get back specifically to one response I was making, and there was a hiccup in the proceedings. I lost my train of thought, and did not finish my sentence. That was on a response to a query by Ms. Mike regarding Senate representation for Nunavut.

**Senate Representation For Nunavut**

I may have lead Members to believe that no efforts were being made to ensure that there was Senate representation for the Nunavut Territory, and that it was not being currently addressed. I want Members to know that, in the process of negotiations, it was always understood by the political leaders and officials that each territory of Canada would be given Senate representation. Both the political leaders, and the officials, were operating under the assumption, and the understanding, that we were going to try for generic wording in the Constitution that would say, basically, something to the effect that each territory of Canada would have, at least, one Senator in the reformed Senate.

In the closing days of the Charlottetown session, some of the provincial officials suggested that specific wording for each jurisdiction be the basis for the wording in the legal text, and so, there is understanding, politically, and it is agreed by officials that the wording for the legal text will be discussed and agreed to. The objective still is, with support from some of the political leaders, at least, that we will still try to get generic wording for that, and we will try to get specific wording to ensure that Nunavut Territory will specifically get Senate representation, as well as the territory that would remain, once Nunavut is created.

I wanted to Member to understand that, and I think that where the hiccup was yesterday in the proceedings, I did not finish my line of thought, and the sentence that I started. Thank you.

**CHAIRMAN (Mr. Pudluk):**

Thank you, Mr. Kakfwi. I apologize, I did not check the unedited transcript when we came into committee

of the whole. Yes you were right, you had the floor yesterday when 7:00 p.m. arrived. General comments. Mr. Koe, you had the floor, I had your name since last night.

**MR. KOE:**

Thank you, Mr. Chairman. I just wanted to make a few comments on the issues that were raised yesterday, as it relates to what I perceive as my role as an individual, and my role as a Northwest Territories M.L.A., in terms of the Canadian Constitution and the amendments that are being proposed.

Many of my colleagues, and many people across Canada and the north are concerned about the document that is being proposed relating to the information that is in it, and particularly the information that is not in it.

Members have mentioned and talked about the lack of details in the legal text of the agreement.

However, I feel that what has been negotiated, and what has been proposed, in terms of amendments to the Constitution, gives us, as a government and the aboriginal people, the right to negotiate and continue negotiations. It opens a door for us to continue negotiations on an equal footing as provincial and federal governments. I know how important that is, because I have been involved quite a while in negotiating a land claim, working with other native organizations in trying to achieve land claims settlements, and know how big a challenge it is to just achieve a status to sit at the table and discuss issues.

The one that I am particularly pleased with, and was very involved with, was the Gwich'in land claim. One of the chapters in that claim, was the framework, or the right to self-government. I know it is not complete, but what that gave the Gwich'in people was a right to negotiate over a period of time all the issues and concerns related to self-government.

I feel, and compare what is in the constitutional document, that it is very similar to that. It gives us a right, over time, to negotiate all the technical details and the issues that people have raised and I guess the challenge then for us, and all people across Canada, is to put their best negotiators forward, their best foot forward, and work out those details.

I was just in Inuvik on the weekend, and mentioned this at a constituency meeting and talked to people on

the street. I have asked people what they thought of the referendum that is coming up, and a big concern obviously, is a lack of information.

We, around this table, and many of the leaders that were here yesterday, are quite privileged in that we have advisors, we have researchers, lawyers, all kinds of opinion papers that are readily available to us to explain and clear a lot of the issues that are in the referendum document. The people who are on the streets, the grass roots people in the communities, do not have that privilege, they do not have the availability of people like we do. They just cannot pick up the phone, and call a researcher, or call a lawyer, to get clearer information as to what all these big

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and fancy words and fancy accords mean. I think it is incumbent on all of us, everyone involved in this process, and that is all of us, to try to get as much information and clarity out to the communities, out to the grass roots people.

Also, I was very concerned when meeting with some of my constituents in Inuvik, as to who do I represent when I am talking about voting, the national referendum, our Canadian Constitution, because not everyone, as I mentioned earlier in Inuvik agrees that this is a good document. Not everyone may vote "yes", and not everyone may vote "no". I, in sitting in this Assembly, and I am supposed to be the conscience of, and speak for, the people of my constituency. In this instance, I am going to make it clear that I speak for myself, personally, and feel very uncomfortable in speaking for the masses, or all the people in Inuvik on this issue.

On October 26, there is going to be a vote, and each individual across Canada is going to get to express their opinion and hopefully exercise their democratic right by voting. That in turn is their expression on how they feel on the document.

I urge everyone in the north, and in Canada, to get out and vote, and express their opinion on the referendum. Regardless of what happens, regardless of the outcome of that vote, we here around this table, in this Assembly, and people in the Northwest Territories still have many challenges. We have to get our own house in order, in terms of types of government that we wish to have and we have to work very hard in assisting our communities, our tribal councils and whatever forum that people wish to achieve for our own self-government mechanisms.

Those are some of the comments that I wish to make, thank you for the time and opportunity.

**CHAIRMAN (Mr. Pudluk):**

Thank you. Further general comments? Mr. Pudlat.

**MR. PUDLAT:**

(Translation) Thank you, Mr. Chairman. I also have some comments to make in regard to yesterday's discussions. I was not able to comment on my appreciation on the things that were discussed yesterday.

I also want to thank Nellie Cournoyea, and the aboriginal politicians that were here. I would like to thank them for their work, and we would like to see more rights given to northerners.

In regard to the referendum on October 26, I am very thankful for your hard work and I am glad to see a document in regards to the Constitution. It is hard to say whether there will be a "yes" vote, but I am very happy that I am able to bring out my comments today.

Some of the people that live in the communities that I represent do not understand what this referendum is. When I talk to them about the Constitution, a lot of the people that I represent do not understand what is being done. In regards to this referendum, I think, the people in the communities should be more informed, and I will have to approach them and make it more clear to them as to what will be happening. I understand that a lot of the people that I represent do not understand what the Constitution is all about.

I will be encouraging them to go and vote, also I would just like to say that the voting days are very close, and I think there should be a large turn out during those days. Also, during the referendum, I am encouraging our people to work together and encourage other people to go and vote. I hope that people will understand what they are voting for.

Yesterday, Silas Arngna'naaq asked a question, and there was a response given to him that I heard. Of what I understand, there is a lot of work being done in the communities, but in regards to the referendum the voting days have to be announced to the communities.

The election will be at the end of October, because of this on October 26, there will be an election, or a referendum throughout Canada. I think that the communities are being informed. There are people

working in the communities, and they are telling the people the dates that will be open for voting.

I think everybody would like to go, and go further, to encourage people to vote, but working with the M.L.A.s, I have been informed very well as to what is expected of me, but as we know, we hardly had any power as aboriginals, and now our rights will be recognized in this Constitution. We will have more power as native people, because we have come a long way. There are other things that will be going on, other than the referendum, so we are going to have to make sure that our people can tell from these different things going on.

We have come a long way, and we will continue to go towards our future. These are the comments that I have today. Although I did not get an opportunity to voice my concerns yesterday. Thank you, Mr. Chairman.

**CHAIRMAN (Mr. Pudluk):**

Thank you. Madam Premier. Mr. Koe.

Point Of Order

**MR. KOE:**

Point of order, I do not see a quorum.

**CHAIRMAN (Mr. Pudluk):**

Yes, we do not have a quorum. Mr. Clerk. Thank you, now we have a quorum. Madam Premier.

**HON. NELLIE COURNOYEA:**

Thank you, Mr. Chairman. First of all, I would like to say that I guess in this constitutional round, which was called a Canada round, many of us were privileged to represent our constituency of the Northwest Territories.

I know that it has not been all that easy, and the small gains that have been made, or some of the gains that have been made, have come with a great deal of energy and determination. Our changing society and its demands for relevancy, economic and social change, is a challenge to all of us. A great deal of concern has been expressed, that we are spending important priority time on the Constitution, when other issues of economic and social wellbeing of our constituents are not being address adequately.

We are all well aware that there is a great deal of change taking place in the global society, not only here in Canada, but within our own territory. The pressure of change is affecting how Canada is able to maintain itself. This broader global adjustment is affecting Canada and our jurisdiction.

It is important for all of us, to be as clear as we can be, so we may proceed together. In the Constitution, the Constitution is a framework which society judges its actions. At a time this country seems to be going in so many directions, it is imperative not to take lightly the importance of this constitutional document. It is important that we do not point fingers, but also look at the positive points.

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The decisions that are made in the next month will determine our future, and will be setting the framework where our children will grow up. It is time for all of us to do our best thinking. People have to decide what is the right thing to do. We can all agree, the package is not perfect, but really, whatever really is?

Mr. Chairman, if we put all the competing and balancing interests together, this is how the residents of Canada should make their decisions in looking at those two main points. It is not to say what is in it for me, but what is in it for all of us, and what is in it for the future generations.

We all know that the package has to stand the test of time, and we have a question on when it does not, how do we change it. These were all struggles we went through, every one of us who was involved in these constitutional discussions. I would like to say thank you to Sam Gargan, Ernie Bernhardt, Dennis Patterson, Brian Lewis, and Stephen Kakfwi, who spent a great deal of time weighing a lot of the proposals that were put forward. As well, I would like to take the opportunity to say that we did not do it alone, that in these discussions, certainly all the people who were involved, and I think other people were involved in land claims discussions. There is a multitude of legal people who are representing other governments, and the federal government, and I would like to say thank you to the people who are the main people, and who supported this constitutional process. Mr. Bob Overvold, Bernie Funston, Geoff Bickert, Christina Scattolin, George Braden, Liz Snider, and our political staff, Graeme Garson and Lynda Sorensen.

Most of all, I think these discussions we are having here are very important because we can weigh, as Mr. Koe says, the thoughts of what comes from the various constituencies. I look forward to the time that we can deal with the broader issues of economic concern, and I believe that certainly with the deliberations, some of our political leaders, the aboriginal leaders, were commendable. Certainly, I would say to all of you, I was proud to be sitting next to them, particularly at the pressure points when we felt that we were getting nowhere. They stood it, and they were patient, and they very seldom had a point where they did not maintain their cool, and that was very difficult.

So, Mr. Chairman, I would like to say to all those people, thank you for taking part. I hope that with this debate, we are able to examine the questions, and answer clearly, so that the constituencies outside of this room understand where we are going. Thank you very much.

**CHAIRMAN (Mr. Pudluk):**

Thank you. Are there any further general comments? Mr. Nerysoo.

**MR. NERYSOO:**

Mr. Chairman, if I might begin comment, I think that I have to say that I am somewhat disappointed despite all the accolades that have been given to some of the responses. In fact, there have been some Members, and some Cabinet Members who have been critical of the fact that if we ask questions, we are nit-picking, and that the intention is to create a situation where people do not support the accord.

I want to state quite clearly right now that personally, Richard Nerysoo, I have no problem supporting the accord. What is important for the people here, and the leaders to understand, is that if we are going to sell this deal to the communities, details are important. They are the basis by which we can convince people in the communities to support the accord.

I do not like being told by anyone that by asking questions that somehow that infers that I am opposed to the accord. Now, people do not like that idea. Maybe it is an issue that people do not like answering detailed questions, but I will give you a good example. On the matter of aboriginal self-government, there is no doubt in my mind, and should not be in the minds of any of the Members here, that I support this

particular issue. The simple fact is that since 1975, when I became the youngest Vice-President in the history of the Dene Nation, at 20 years old, I have supported aboriginal self-government. Now, I want to get that on record, and make it clear to people that, that is the case.

There are other issues in the agreement that concern me. For the first time this morning, I think Mr. Kakfwi, on the whole matter of the Senate answered the issue, and the ongoing process that had not been dealt with. I have no problem with the response given, but those are the kinds of answers the people in the communities are going to be asking those of us who are going to be supporting the agreement, and if we do not get the responses from those who are directly involved, knowing the details, then how is it that we, as Members, can go to our constituencies, and sell the deal? That is the issue that I was trying to raise yesterday. By raising it, it seems that people get a bit defensive about the fact that, for the first time, they themselves are going to have to answer the details, and that all of us are going to have to answer the details. I think that we have an opportunity, of course, to sell this issue based solely on the item of aboriginal self-government. That is unfair, because it is a greater package than that. It affects more people than just aboriginal people. It affects our future in terms of constitutional development as a province, other territories, and we have to convince people in Nunavut that their interests are not going to be given away in terms of representation either in the Senate, or the House of Commons, if we support the deal.

If we support it without those issues being dealt with, then I think we are wrong. We are wrong in trying to suggest that the deal is in our interest because we do not know that. I wanted to make those particular comments because yesterday I was getting disappointed that some of the answers that were being given, more so at some of the comments that were almost being directed at those who were supposedly raising concerns and questions.

Now, I said yesterday, that there were a great deal of questions that we wanted to ask, but on the matter, for instance, of aboriginal self-government, for those that do not like reading detail, I already have a copy of a legal opinion that was prepared for the Assembly of First Nations, that satisfies my concern about Treaty Six and Treaty Seven.

Now, that is what I am talking about when I say, let us get into some of the details. If the government says we have documentation on the legal interpretations of



opinions that will be more helpful to Members, then we will provide it. I have not heard that yet, and for me to sell the deal and not know the details completely, I think we have to be, somehow crazy in our own views, to suggest, or even come to the conclusion, that people are not going to pay attention, because I think they will. In the end I think they will.

One of the problems that I can point out to my colleagues, those that want support for this particular document, all you have to do is watch the National, read the newspapers and one of the most important issues that has been absent from the "yes" campaign is detail.

Everyone who is saying "no", has analyzed the document and put on paper those issues that they do not agree with. You have to fight back with information. That is all I wanted to say to my colleagues again, because unless we answer these questions, you are sending us out to support a document that, right now, detailed information does not exist.

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I think that Mr. Arngna'naaq, yesterday, said that he wants to see some of the legal text. Well, maybe some of the drafts could be made available, but that is not even available to us. We are not on the special committee, despite the fact that the special committee represents us. I do not want to be seen and placed in a position where I am speaking against my special committee. I want to be out there supporting the efforts of that special committee.

Mr. Chairman, I want to conclude by saying that I will be asking Mr. Kakfwi to review one of the recommendations that he has made, upon request of ordinary Members. I hope that we can resolve, what I think might be the first recommendation. One of the concerns that we do have with the recommendation is the idea of endorsement, and whether or not that extends the fact that we are pre-judging what might be the decision of the public, or whether or not it should be indicated that we support the document, but allowing the people to actually endorse those issues by a vote.

Now that issue, hopefully, will be resolved with Mr. Kakfwi as the Chair of the special committee. I also want to say that I support the comments that have been made by Mr. Koe. I think his remarks are extremely accurate. I think we still have to rely on the ability of our constituents to make their own

judgements. If we are to convince them to support the document, then it has to be based on our ability to inform the people, and right now, that is not, in fact, happening.

We are generalizing on issues, and we are not giving them details, or at least, laying to rest their fears about the documentation and the agreement that has been reached. We have not done that yet. I am just asking my colleagues if you are going to promote the documentation, then the details and the issues and the answers on detail are going to be requested up here. Thank you, Mr. Chairman.

**CHAIRMAN (Mr. Pudluk):**

Thank you. General comments, is there any further general comments? Mr. Antoine.

**MR. ANTOINE:**

Thank you, Mr. Chairman. The document that we discussed, the first recommendations, I am concerned about the wording. It states that, "we will be endorsing the whole package that was presented to us." Like I said yesterday, I do not feel comfortable with this package, and by endorsing it would mean to me that I fully understand it, and I fully accept it, and I am willing to go into my communities and explain this package to everybody there.

It is difficult to say that I endorse it on that basis. The content, the specific aspects of it, like the inherent right to self-government that I have been fighting for all of my political life, I fully support. Other aspects of it, in some areas, especially the economic aspect of it and the different things that are in there, it is difficult for me to say that I am fully comfortable with it and that I fully endorse it.

I guess it is due to a lack of information that I say this. If you could change the word in that first recommendation, maybe we could vote on it. I fully support a lot of the aspects of it, but there are some areas that are pretty grey for me right now, to say that I endorse the total package. I think the endorsement will happen by other people in the communities. Certainly, I will explain to people to the best of my ability, because the communities need to get all of this information as soon as possible.

I have been asked by a lot of people for documentation and information on the total package, the Charlottetown Accord. If you could change the

wording of the first recommendation, I could probably vote on it.

**CHAIRMAN (Mr. Pudluk):**

Thank you. We are still in general comments. When we get into those recommendations, at that time, your comments would be more appropriate. General comments. Mr. Gargan.

**MR. GARGAN:**

Mr. Chairman, I am not too sure, but did we agree to take a break between 12:00 p.m. and 1:00 p.m.?

**CHAIRMAN (Mr. Pudluk):**

From 12:30 p.m. to 1:30 p.m., and I would also like to remind the Members that there will be a meeting, when we are having a break, of the Special Committee on Constitutional Reform. General comments. Mr. Gargan.

**MR. GARGAN:**

Mr. Chairman, are we having a break, or having a meeting? No, just kidding. Mr. Chairman, I was on this committee since it started. In June, the aboriginal issues started being addressed by the first Ministers. At that time, I was requested by the chairman, Mr. Kakfwi, to start attending those meetings. A lot of compromises were made, distinct societies were eliminated, treaty lands and aboriginal lands were eliminated. We did a lot of elimination, and came up with what we thought was the best that we could do, under the present circumstances.

Naturally, even to the last day in that Lester B. Pearson building, Quebec and Newfoundland were having problems accepting the deal. One of the difficulties is in recognizing aboriginal rights for Metis people, does that also mean new lands allocated to those people? Basically, because of that fear, if we recognize all those new rights for aboriginal people, that would mean a whole new land allocation for aboriginal people. I think a new section was also involved to the effect that it is the understanding that inherent right to self-government does not mean lands and resources, or something to that effect.

The other thing is that all during the process, it was a six month process, the Charlottetown Agreement was only, is only, about two weeks old. During the six month process, we had lawyers, and ourselves from the territories. We had at least three lawyers present all the time. We also had several resource people

there all the time, and they were working on what they term "rolling grass."

When we talk about rolling grass, is that people, the Ministers, who would come up with an agreement, or general consensus on an agreement, of what was really said, and whether it is Senate reform, or any other discussions. Once there was general consensus, then it went to the resource people, and the legal people, so there was a rolling grass continuously. Once an agenda was not completed, but was discussed, and then there was the general consensus, things went to the lawyer, and it kept going like that for six months. Even at that point in time, with regard to the legal text, I believe that the final analysis is that basically what is written in the Charlottetown Agreement, would not change that much as far as legal wording would go, I would think. It took a long process, even for the lawyers to come up with what they thought was being said.

The other thing, Mr. Chairman, is that I have, as an aboriginal person, aboriginal values. One of them is that many years ago, Mr. Chairman, I think we got into a lot of trouble because of this, that was that word of mouth was good enough at one time, but that is not the case anymore. Everything has got to be so defined that we lose the intent, and maybe our own values.

My position was that based on the aboriginal section of this agreement, I would lobby in support of it. Mr. Chairman, one of the things is that, the failure of

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Meech Lake Accord was a result of what we got for the aboriginal package. We had nothing before the aboriginal package, except section 35. We have made a lot of gains and the section, with regard to the treaties, would be interpreted in a wide liberal manner.

I think that the Treaties 8 and 11 have already been interpreted by the courts. It was based on those interpretations that a movement towards land claims had started, back in 1967, 1968, and 1969. That was the opinion of the court, that what was in the treaties was not what was said at that time of the treaties. You have two versions, but it was based on a judge travelling into the communities. Even at that time, the judge respected the words of those aboriginal people, it was not written documents, it was not a legal text that they referred to. Judge Moore based it on the aboriginal values, that their word is truth.

I would think that what was negotiated by this government, and the aboriginal leaders, is that because we are an aboriginal government, not an aboriginal government, but a public government with an aboriginal majority, that what we are telling the people out there, is the truth, regardless of whether we have a legal text or not.

I would like to think that, Mr. Chairman, the hard work that we have put into it, I realize that not all the Members were there, but the Members did give us the mandate to be in Ottawa and try to go for the best possible deal. I think that is what we have done. If we do not support it, then we do not know what the results would mean.

My own personal observation, is that in my region, we do not have land claims. We have a lot more to lose, if something like this is not in place. I think Mr. Nerysoo mentioned it yesterday, is that we will have self-government in a public government forum. That is where people have already ratified claims, and that are ratifying claims. For the people who do not, I think they have a lot more to lose, by not going to that process, at least this would give them the opportunity to negotiate inherent right to self-government, as opposed to extinguishment.

**CHAIRMAN (Mr. Pudluk):**

Mr. Gargan, your 10 minutes are up. We will take a lunch break, and come back at 1:30 p.m. That reminds me, the Special Committee on Constitutional Reform will meet during lunch.

---LUNCH BREAK

**CHAIRMAN (Mr. Pudluk):**

This committee will come back to order. We are still on Committee Report 18-12(2), Committee Report 10-12(2), and Minister's Statement 82-12(2). We are still on general comments. Are there any further general comments? Mr. Nerysoo.

**MR. NERYSOO:**

Mr. Chairman, I am not sure. Are we going to deal with the details? Just before I get into the details, I want to make a statement on recommendations if I could.

I just want to say, Mr. Chairman, earlier today, this morning, all Members were at an Ordinary Members' Caucus, and asked me to try and work out a solution on recommendation one, with Mr. Kakfwi. In fact,

Mr. Chairman, the Members that, in fact, proposed that I try and work something out, were Mr. Lewis and Mrs. Marie-Jewell. Now, I tried to do that this morning. It is obvious that the proposal of accept and support, or accept and support in principle, was not accepted by the Members of the Special Committee on Constitutional Reform.

I can say this to the Members, that I can now continue to chair the Ordinary Members Caucus, but I think prior to making any recommendations, we try to work out some solution with Cabinet, or with government, that it had better be clear in my view what the solution should be, because the proposals that have been made, I think, would have accommodated some of the concerns of that Members had. That was not the case.

I know that on the matter of the first recommendation, there will be Members that are going to vote against the endorsement of the agreement, and that is not to suggest that we do not support it. I am going to be one of those. I hope that it does not reflect badly upon this Assembly in that I have already indicated that I would support, but I cannot endorse the agreement without the people voting to support my position. I think that is the case. Even Mr. Koe proposed, so I just wanted to make those comments.

**CHAIRMAN (Mr. Pudluk):**

Thank you. Are there any further general comments? Does this committee wish to go to details now? Mr. Kakfwi.

**HON. STEPHEN KAKFWI:**

Mr. Chairman, we had a brief meeting as a special committee during lunch break. We had some discussion about the points, the statements of support, and questions of concern that were raised by different Members through the course of the debate this morning, and yesterday.

We took note of them, and following the discussion we had, it was the view of the committee that a significant point was made, which was that without the details and legal text, Members were uneasy about endorsing the report. So, there was some discussion about it. It was our view that the question we are putting to people is based on the Consensus Report, which is all that we have as political leaders right now in Canada. This includes the Prime Minister, it includes the Premiers, provincial Legislatures, and aboriginal organizations across the country.

Based on this Consensus Report, will you support the agreement? Will you support it? We felt it is a fair question, it is perfectly logical, and rational, for Members to say that of course it is subject to the legal text. Again, all of us who are participants in this process quite properly expect the legal text, to reflect fully and completely what our understanding of what was agreed to in the Consensus Report, and that if the legal text any way deviates, or falls short of what we think is agreed to in the Consensus Report, then, of course, Members would be quite in their right to disown the legal text. So, we have added an additional recommendation which will address the need for Members, at a later date when it becomes available, to take a position on the legal text of this agreement.

We had, as I say, this brief meeting, and I think Members felt that as a committee we have met the terms of reference, the areas of work that you asked us to adjust, and we have done that.

For instance, in the first point, to work towards putting in the Constitution the inherent right to self-government. Members know, as it is reported in the Consensus Report, we have gone far beyond just putting the inherent right in the Constitution. There are additional provisions, many additional provisions, provided to aboriginal peoples of this country, and we have not come home with a bare minimum. We have come home with a significant list of achievements, and we believe that the work of the committee, and the achievements that we have made on your behalf, are significant, and they deserve to be endorsed, as we are suggesting. We should not look to modifying the verbs, or adjectives, at this time. We do signal that we respect the right of this Legislature to review the final text, and ensure that it properly and fully reflects what was agreed to in Charlottetown, and

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that will be dealt with in our recommendation. Thank you.

**CHAIRMAN (Mr. Pudluk):**

Thank you. Mr. Nerysoo.

**MR. NERYSOO:**

Thank you. I do not want to create a debate here, but the fact is, Mr. Chairman, and I think it should be clear in the minds of all Members including the Chairman of the Special Committee on Constitutional Reform, the

vote on October 26 has nothing to do with the text. It has to do with the report, and accord, reached in Charlottetown, not with the text. I think it is incumbent upon us to be clear, that what we endorse is not the legal text. It is this agreement, and all I am saying to you is that I support it. How am I supposed to suggest that I endorse something that the people may vote against? In the end, in the final analysis, the people will vote, and then this Assembly cannot endorse the report. There is a very important distinction between those two words. I think that what you are doing, or making as a suggestion, or what your special committee is suggesting, is that we should endorse something that the people have not consented to. I accept and will support the agreement, but I cannot and will not endorse it, because that is the work that you have to resolve, in terms of ensuring that when this Assembly deals with it, in the end, that we are happy, and that we can, as an Assembly, endorse the agreement based on the decision of the people.

Maybe some people here want to override the vote, maybe that is what you want to do, but you should say that and state it clearly. I intend to move a motion of amending, that would suggest that we accept and support the Consensus Report. If you vote against that, that is clearly up to you.

**CHAIRMAN (Mr. Pudluk):**

At this time, the Chair would like to recognize, in the gallery, Michael Barry, and his grade seven class from St. Patrick's Elementary School. Welcome to the gallery.

---Applause

General comments? Would this committee like to go to the recommendations now? Mr. Gargan.

**MR. GARGAN:**

Thank you, Mr. Chairman. Maybe just to add a little bit more on what has been happening, nationally. Last week, before the House of Commons recessed, all the three federal parties supported the Charlottetown Accord. It was based on that support that they now have gone out into the country to try and get a "yes" vote for this.

I have no problem, Mr. Chairman, supporting the Charlottetown Accord. Basically, what will happen is that if the accord is supported and passed, the legal text is going to have to reflect exactly what that

means. If it is not what they agreed on, with any of the organizations or provincial governments, then it will be made known at that time, and they would not support it, based on what was agreed upon.

Mr. Chairman, I have difficulty in why I would not support this accord. If I did, I would get out into my constituency and convince the people on why we should endorse it, or vote for "yes" on the accord. One of the things that I want to say, is that it was never in aboriginal history, we have not made that many gains in such a short time, as we did during the last six months. It was significant, in my view.

Further, Mr. Chairman, if the Meech Lake Accord was ratified, we would have had basically nothing with regard to further aboriginal rights, just limited rights. Having a lawyer sitting in front of us, or myself, I am not a lawyer, I think I know what the intent of the aboriginal section means, and I think it is a great gain. We have not lost anything, and for that reason I am going to convince the people that we have never had as much before, as we have now. Not endorsing it, or not formally endorsing it, is suggesting that we deny the people that right to say "yes" or "no". I think by endorsing it, we are saying that we have a general consensus on what has been agreed to by the Charlottetown Accord, and we explained that as best we could to our constituencies. I will do that. I do not think I will go to the point and say that I think we have a good deal, I will convince my constituency that we do have a good aboriginal package with that accord, and that I will try to convince them, perhaps maybe to vote in favour of it. I will not say that you should vote "yes".

**CHAIRMAN (Mr. Pudluk):**

Thank you. We are still on the general comments. Member for Thebacha.

**MRS. MARIE-JEWELL:**

Thank you, Mr. Chairman. In regards to some of the discussion, and the suggestion of the Members accepting the principles or the recommendations that are being put forth in this report.

I have stated some concerns yesterday as a Member, and I am still trying to get a copy of unedited transcript to see the Ministers point of privilege that he brought forth in the House today, and compare it to the media's report. However, Mr. Chairman, I am somewhat concerned that there are still some questions and some concerns, and a number of

questions that have not been put forth in respect to this whole issue.

I believe that it is the intent of the Members to fully support the principle of the accord, and we are not arguing that, in regard to us bringing forth our concerns on some of the details and legal text, or concerns in regard to some of the details of the accord.

There appears that these type of questions are not being answered. That we are being told, basically, that we should endorse the accord. I recognize that we did gain a lot in respect to the accord, but out of common courtesy, the Chairman of the committee, of this Constitutional Committee, should at least have the courtesy to answer our concerns and not expect us to outright endorse this and vote in favour of his recommendations.

Mr. Chairman, I have quite a few questions. I think maybe since we are going to be here until 7:00 p.m., and we agreed to take two days to bring forth this item, as an item of business in the House, I will continue to bring forth my questions and concerns.

I want to ask the Chairman of the committee, that whereas the accord states that all aboriginal people of Canada should have equitable access to the process of negotiations, and the Supreme Court of Canada has stated in mid August that the Native Women's Association of Canada, has been unconstitutionally excluded from the multilateral meetings, and no immediate provision has been made to include the Native Women's Association of Canada in the final negotiations of the Charlottetown Accord, can he advise me as to what assurances can he give to aboriginal women that their existing constitutional rights to represent themselves in negotiations will be put into immediate action?

I do not want him to just basically fall under the Charter and the Constitution of Canada, under section 35, because under that particular section, it indicates where gender equality can come in, and I mean this government has been far from trying to achieve gender equality.

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I would like to ask the Chairman that particular question, please, Mr. Chairman.

**CHAIRMAN (Mr. Pudluk):**

Mr. Kakfwi.

**HON. STEPHEN KAKFWI:**

Mr. Chairman, I thought that the President of the Inuit Tapirisat of Canada spoke to it very clearly yesterday, in her own remarks in regard to the way that the constitutional process tried to deal with it, in her own differences with the particular dissenting groups at this time. The fact is, in our view, there is nothing in the agreed to package that takes away from the rights of women. In fact, if you take the overall amount of rights gained by Metis women across the country, it is significant. You can put it on any equation you want. In my view, I think the aboriginal people, in particular have made significant gains. Aboriginal women, as in this case, women that are Metis, have made tremendous gains because, for instance, you do not have to try to find some way to become a legal Indian to feel that you have equal access to those programs that are in existence. It helps, but there are provisions that provide for equity of access.

There are activists and representatives of womens' groups on the one hand that say they fear for social programs, they believe that there is not enough guarantees for aboriginal women in the agreement as it is. You have very prominent northern women, like our Member of Parliament, Ethel Blondin, that takes a view that it is a good deal. It enhances, and does not necessarily take away anything from native women.

There is the leader of the New Democratic Party of Canada, Audrey McLaughlin from the Yukon, has stated in her view, and she has looked at it quite carefully. She has had the resources of a federal party to advise her on it, and her view the package does not take away from the rights of women. In fact, it adds additional comfort to them. You have the President of the Inuit Tapirisat of Canada, plus another prominent Inuit leader, Mary Simon, who is saying that in their view it is a good deal, and it does not take away from the rights of the aboriginal women. So, this is our view as well. The deal is a significant deal. We have noted some of the shortcomings that it has.

For instance, the Member raised yesterday her concerns that her questions implied that the Government of the Northwest Territories would not sign the Metis Accord, and I mean if you just take the rhetoric and the politics out of the situation, the Member realized the Metis Accord is not necessary in the territories.

The reason the Metis Accord was necessary, was for the people in the provinces, for the federal

government to be able to include Metis in section 91.24, and also to have some assurance that the provinces are going to continue to spend some of the money that they already spent on Metis, to make sure that they do not whip that away from the Metis people. The provinces, who own virtually all the land in the provinces, will make some lands available in the course of negotiations.

In the Northwest Territories the federal government, in their eyes anyway, own all the land. All the programs and services are available for negotiations through self-government agreements. The rights that the Metis have acquired are not contained in the Metis Accord, they are contained in the main body of the Constitution, if the amendments go through. It is my view that the significance of an accord should not be overblown. The fact is, if we had jumped on board the Metis Accord at the beginning it is very probable that Members of the A.F.N., and most notably, the Dene Nation, would have had very serious objections to the accord even being developed in the first place.

It is all hypothetical now, because it is after the fact, but it is possible that some of the provinces would have developed second thoughts about agreeing to the accord. So, the moves that we make in the course of negotiations has to be appreciated in that context, that everything we did was to ensure that the accord, which was specifically designed for the Metis of the provinces in the first instance, was not unduly impeded by regional discrepancies, and regional interests that arose here in the Northwest Territories.

So, those are the comment that I had. Thank you.

**CHAIRMAN (Mr. Pudluk):**

Thank you. Member for Thebacha.

**MRS. MARIE-JEWELL:**

Thank you, Mr. Chairman. Obviously, the Minister was not really listening, and that does not really surprise me.

I asked the Minister a simple questions, and I did not ask him to go into the Metis Accord. That is a different issue. If, in regards to the Metis Accord, they were well maintained in the body of the whole accord, then I wonder in my mind why the provinces would even create a Metis Accord. There must have been some fundamental purposes, and they are to give the Metis, basically, assurances that they would given equal opportunity.

I asked the Minister, and I would like to ask him again, what assurance can he give to aboriginal women that their existing constitutional rights to represent themselves, within the negotiations, will be put forth. Does he have a position on this? Does he have a proposal on this issue? Thank you.

**CHAIRMAN (Mr. Pudluk):**

Thank you. Mr. Kakfwi.

**HON. STEPHEN KAKFWI:**

Mr. Chairman, in the Constitution, there is a provision that basically says the aboriginal and treaty rights referred to in the Constitution are guaranteed equally to male and female persons. The debate is whether, or not, this clause is sufficient to protect the rights of women in the context of self-government, and self-government negotiation.

Once there is legal text that emerges, then I think we can finalize whether, or not, in fact, there is going to be any reason to be concerned about it. If the legal text, because of some adjective or word, implies that there is a slip for women, then of course we will be concerned. Right now, based on our understanding of the Consensus Report, there is no erosion of the rights of women. There may be concerns because the Constitutional amendments proposed are not specific enough, but as we say, we have taken the constitutional package as far as we can, and there was no agreement, for instance, that social programs should be constitutionalized. That is one of the concerns that native women across the country have. They are afraid that social programs may erode or disappear, but there was not even a hint that it was possible, to constitutionalize the social programs. Thank you.

**CHAIRMAN (Mr. Pudluk):**

Thank you. Are there any more general comments? Member for Thebacha.

**MRS. MARIE-JEWELL:**

Mr. Chairman, we are all aware that the Charter of Rights, and under the particular section that the Minister is trying to refer to does agree that there should be equality to male and female persons in looking at gender equality. At the same time, we know that in order for women to achieve gender equality, they still have quite a way to go.

This Minister is even trying to address gender equality in regard to pay, in regard to many different issues within his government, and he still has not even been able to do that.

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There are many questions that are posed in opposition to womens' groups across the country and have been voiced by womens' organizations, and this includes the Native Women's Association.

They also indicated that the package, which allows provinces to opt out in national social problems, will be a barrier to new national social programs, such as national child day care, if they ever get one, and threatens existing programs such as medicare, education and programs addressing violence against women. I wonder if the Chairman, the Minister, and representatives can indicate whether or not they agree with the view that the new division of powers, proposed in the constitutional package, would make it less likely that the federal government would take the initiative to develop new national programs, since the federal government has been making such hasty decisions in curbing and cutting universal programs.

I take for example, the family allowance bill, that went through the House just last week. I would like to ask the Minister that particular question. Thank you.

**CHAIRMAN (Mr. Pudluk):**

Thank you. Mr. Kakfwi.

**HON. STEPHEN KAKFWI:**

Well, that was a very long-winded question, but let me see if I can answer it by being brief, for a change. Under the current arrangements, as a jurisdiction, there is no way for us to protect ourselves from the federal government withdrawing from any spending area. The family allowance is a universal program, but that is not in the Constitution. It is just a program that the federal government introduced at a time in history when they thought it was a wise thing to do, and politically, a very wise thing to do.

At this time, they are withdrawing from the full application of that particular program, for whatever reasons. The fact is, when you have no money, you try to limit your spending to only certain areas and I think that, in the final analysis, the federal government will do what it can to keep as much flexibility in its ability to spend or not spend as possible. My understanding of it is that, in the division of powers,

we are extended some protection to negotiate intergovernmental agreements and bilateral agreements to protect ourselves from the situation that the Member is raising, and we do not have that now.

If the amendments are carried, then we, at least, have the option to negotiate agreements that will protect us from sudden changes of heart on the part of the federal government, at least to a certain extent.

**CHAIRMAN (Mr. Pudluk):**

Are there any further general comments? Member from Thebacha.

**MRS. MARIE-JEWELL:**

Mr. Chairman, I was wondering what if it was decided that other governments would get out of this arrangement? I guess I would like to just ask a fairly candid question, how does the Chairman of the committee respond to the view that the concerns of aboriginal women were not adequately considered during the negotiations on the constitutional package?

**CHAIRMAN (Mr. Pudluk):**

Thank you. Mr. Kakfwi.

**HON. STEPHEN KAKFWI:**

Mr. Chairman, I think if the suggestion was that this process was not a comprehensive process, that if this process had started on March 12, and had only included representations made to that date, then I think that there would be some reason to think that it is possible, perhaps, that the deal might be better if specific groups representing or purporting to represent women and all women of Canada were at the negotiating table.

The fact is, every person who was involved in the negotiations were duly elected. The only people that had specific mandates to represent specific groups of people were the aboriginal leaders. Aside from that, we had duly elected Members of the Legislature there, and members of the provincial and federal governments. I believe that the reports, the numerous reports that were made to provincial Legislatures and the federal government, before and since the Meech Lake Accord, were all taken into account in the course of these negotiations.

I think that it is important to point out that, for instance, if this process had taken another turn,

perhaps we could have made a better deal. Perhaps if Preston Manning was negotiating for Alberta, we would have a very different deal, perhaps no deal at all. I think people have to take that into context. I do not mean this in any way as a threat, but, when we look at the process of the negotiations on this deal, I think that it is very important for people to realize that you cannot call it an accident of history, but the fact that Ontario had a Premier by the name of Bob Rae, interested and willing to work a few extra hours every session, and he made a significant difference in the development of this package.

The fact is, that Quebec not being there for the initial part of the negotiations affected the outcome of the negotiations. The fact is, the Premiers and the first Ministers allowing the territories, and the aboriginal organizations to come into the talks made a significant difference. If we suffered under the illusion that all of the same circumstances and the same players are going to be around for a second round, if we decide to reject this and hope for a better deal next time around.

I think that, when you stack it up against the odds, I would say the chances are slight because the players will change. The fact is, since the Meech Lake Accord, almost all of the major players of Meech have come and gone. It was with the advent of new people coming onto the political stage that made it possible for us to make the achievements we did.

By and large I would say I have not lost any sleep over it at all. I think that the gains made by aboriginal people, are overall significant, they are historic.

**CHAIRMAN (Mr. Pudluk):**

Thank you. Member for Thebacha.

**MRS. MARIE-JEWELL:**

Thank you, Mr. Chairman. That is not the issue, and we did not lose any sleep over it at all, either. I want to make the Minister aware of that. Mr. Chairman, I asked the Minister a question and I am going to keep repeating this question until I get an answer. I know that he did not lose any sleep over it, if that is his answer then he should let me know. I asked him how does he respond to the view that the concerns of aboriginal women were not adequately considered during negotiations on the constitutional package? Thank you.

**CHAIRMAN (Mr. Pudluk):**



Thank you. Mr. Kakfwi.

**HON. STEPHEN KAKFWI:**

Mr. Chairman, I believe that the plight of aboriginal women, and the rights of aboriginal women, were adequately addressed in the course of these discussions. I believe that absolutely. There are certain representatives of womens' groups that suggest otherwise. I have listened to those concerns for months, I have listened to it last week. I do not buy the arguments. I understand that there are fears, and the fears have to be addressed, but it is not going to be done by grabbing prime time on national T.V., or a woman who alleges to represent 52 percent of the population of Canada, making all types of statements.

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She has concerns, that is fine, but you ask me the question, and I try to respond as straightforward as I can. There is nothing in this deal takes away from the rights of women, and nothing that will erode what women have at the present time. If anything, as I said earlier, women have made gains, and specifically, Metis women in particular, as one part of a collective that has historically suffered from a lack of recognition from governments and peoples, across this country. Metis people have made the biggest gains.

**CHAIRMAN (Mr. Pudluk):**

Thank you. Member for Thebacha.

**MRS. MARIE-JEWELL:**

Thank you, Mr. Chairman. I should let the Minister know, that as of last week, I did get a letter from Indian Affairs stating that I am an Indian. So, I have equal rights as the Minister now. He does not have to view the point that I have made gains, but that does not preclude me from forgetting about what the Metis are trying to achieve.

I want to ask the Minister, the not withstanding clause to the accord can override the Charter of Rights and Freedoms, and basically it can override the gender equality rights, that are in the Charter, under section 28. In regards to this, it has been extended to new aboriginal governments, and gender equality issues, which will not be on the agenda before, I believe 1996, if I recall the date correctly. I would like to ask the Minister since the not withstanding clause will be virtually impossible to repeal, and since we are talking about the accord, and without a legal text being available, what assurance can he give to any

aboriginal women in future, in the event that they find themselves in conflict with their bands? They have the concerns in regard to their local band councils, taking into consideration the not withstanding clause to override the gender equality rights in the Charter. Thank you.

**CHAIRMAN (Mr. Pudluk):**

Thank you. Mr. Kakfwi.

**HON. STEPHEN KAKFWI:**

Mr. Chairman, Mr. Trudeau was the Prime Minister who, some time ago agreed to allow the notwith standing clause be included in the constitutional package, back in 1982.

Governments and people of this country have had to live with it since then. In particular to aboriginal governments, as they are being formed, I believe that aboriginal women will be fully involved, I expect them to be in the forefront of developing these forms of aboriginal government. Certainly if they form 52 percent of the population of Canada, and a massive part of their communities, they will have a very decisive say it endorsing any type of governments that are being developed.

The not withstanding clause was extended to aboriginal governments because to not allow it to be extended to aboriginal governments would have made this third order of government somewhat inferior to provincial and federal governments. It was the view of the aboriginal leaders that the not withstanding clause may be useful in the protection of the aboriginal languages, and the culture and traditions of the aboriginal people themselves. Where it comes into conflict with the Charter, that the collective rights of aboriginal people should be paramount in the political view of the aboriginal governments. It is necessary to take some decisive action there and that is, how you further bind the governments, the duly elected governments of aboriginal people of the future. There was no in-depth discussion about it the course of the negotiations. Thank you.

**CHAIRMAN (Mr. Pudluk):**

Thank you. Member for Thebacha.

**MRS. MARIE-JEWELL:**

Thank you, Mr. Chairman. I do not believe that I am making too much progress on some of my questions,

because the responses are not related to the issue proposed.

Mr. Chairman, I would like to ask the Minister, in regard to the Native Women's Association, they have taken the viewpoint that the rights of aboriginal women are threatened by the provision which allows aboriginal governments to opt out the rights of the individual guaranteed by the Charter.

They have said that the protection of the individual within the collective is crucial to ensure native women's progress towards equality. Mr. Chairman, I would like to ask the Minister, how does he respond to the view, and he has indicated, just a few minutes ago, that the constitutional package threatens the rights of aboriginal women, it is somewhat threatened. How does he respond to that? Thank you.

**CHAIRMAN (Mr. Pudluk):**

Thank you. Mr. Kakfwi.

**HON. STEPHEN KAKFWI:**

Let me try this, one of the approaches. One of the big points that was made by the aboriginal leaders, from the onset is, it is necessary to give some comfort to aboriginal people and aboriginal governments. They do not have to follow strictly the practice and traditions of provincial and federal governments, let us say a parliamentary system of government. There are certain cases to be made, where it is going to be their choice, it is going to be the choice of aboriginal people themselves as to how their governments are going to function. If the Charter of Rights conflicts with that first law, then there is going to be some concern, and in fact, it was argued, for a certain period of time, that the Charter of Rights should not apply to this third order of government. In the end, they agreed, that the Charter will apply, but that the not withstanding clause will be extended to aboriginal governments.

There is no reason, I believe, in advance of aboriginal governments developing, for women to fear that they are going to be left out in the dark, or that they are going to be trampled all over, in the development of these new governments. I believe that the suggestion is, that if it is possible, politically possible, to develop an aboriginal Charter of Rights, that this will be considered in future constitutional discussions. At the present time, this was the understanding that was reached in the course of the negotiations.

**CHAIRMAN (Mr. Pudluk):**

Thank you. General comments? Member for Thebacha.

**MRS. MARIE-JEWELL:**

Mr. Chairman, I did not get a clear answer from the Minister. I recognize that he indicated the possibility if it was possible, that they could look at a Charter of Rights, aboriginal Charter of Rights. I am just basically asking him, what I feel is a fairly simple question, on the viewpoint of native women, if basically the constitutional package that is put forth under the accord, threatens to some degree, the rights of aboriginal women, not even taking into consideration, only Metis women, but aboriginal women overall.

I would like to ask the Minister, again, if I can come at it from a different angle, how did he respond to the view that the constitutional package threatens the rights of aboriginal women? Thank you.

**CHAIRMAN (Mr. Pudluk):**

Thank you. Mr. Kakfwi.

**HON. STEPHEN KAKFWI:**

Mr. Chairman, the constitutional package, as it is proposed to be amended now, does not threaten

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the rights of aboriginal women. I believe it enhances it.

**CHAIRMAN (Mr. Pudluk):**

Thank you. Member for Thebacha.

**MRS. MARIE-JEWELL:**

So how does the Minister give assurance? What type of assurance can he give to aboriginal women, who may in the future find themselves in conflict with their local band councils, when he says it does not threaten their rights?

**CHAIRMAN (Mr. Pudluk):**

Mr. Kakfwi.

**HON. STEPHEN KAKFWI:**

Mr. Chairman, I think it is important to put it up front. When we talked about the inherent right, I think people started to realize that you cannot put pre-conditions on this right. Provinces and federal government, and territorial government representatives have no business to start telling aboriginal people, okay you can have your own government, it can be a third order of government, but only if you provide all of these, and meet all of these terms and conditions.

It is a contradiction. So, while on one hand, everybody was perhaps in a bit of a fright, you might say that, what is this inherent right, what is this third order of government going to look like. Will it respect individual rights? Will it accept the criminal code? Will it operate with common currency with the rest of Canada? Will it be, using forms of government, making decisions that are against and not in the tradition of Canada, as some noted politicians made a point of?

The fact is we do not know, but as one aboriginal person I have full faith in our people to know what is good for ourselves. The aboriginal people, including the women, will just have to work together to make sure that the systems we put together, is the best. I do not know why the Member is having such difficulty with clear questions.

**CHAIRMAN (Mr. Pudluk):**

Thank you. Member for Thebacha.

**MRS. MARIE-JEWELL:**

I think the Member is having difficulty, because I am not getting any answers to some of my questions, Mr. Chairman. I believe that is my right as a Member to ask whatever I want to ask, as long as I am within the rules and guidelines of this House.

Mr. Chairman, the Minister stated that he has faith, and that is probably why traditionally native women have been having difficulty acquiring equality, whether it be within the band council or politically. Ms. Kuptana stated yesterday, that Mary Simon and Ms. Cournoyea were the only women at the table, and that is probably why women were absent in the minds of politicians, and not taken into consideration when this accord was developed.

I would like to ask the Minister what type of assurance does he feel should be given in regard to, particularly, when a band council does not use the not

withstanding clause, to override the gender equality rights in the Charter? What assurance can he indicate that, that band council will not use that not withstanding clause, Mr. Chairman? Thank you.

**CHAIRMAN (Mr. Pudluk):**

Thank you. Mr. Kakfwi.

**HON. STEPHEN KAKFWI:**

Mr. Speaker, I think there is a major assumption that is being made here by the Member, which has to be clarified. Band governments do not constitute a third order of government. They are not what is endorsed by aboriginal people to be their form of government. They are at best, in most situations, administrative bodies. I think there are many communities across the country that would dearly love to do away with Chief and band council systems and come up with their own, much more acceptable and a more all embracing type of a decision making body. I think that is important, but I cannot give any assurance to native women about it. That is a fact, we believe that aboriginal people can govern themselves and they govern themselves in the best way that they see fit. It is not for this territorial government to start putting pre-conditions on it, that is an important point to make.

It is wrong for some groups to suggest that this whole deal be scrapped, that the gains made by aboriginal people, and that this should be scrapped, because there are insufficient assurances, and their fears are not put to rest by this deal. I think they have to believe that their people are going to treat them the way they should be treated in the first place. They should not be asking for governments, particularly the federal and provincial governments that have long denied the recognition of aboriginal people in practice, in law, and in the Constitution, the full recognition of rights of people, not only women, and not only native women, but all aboriginal people.

**CHAIRMAN (Mr. Pudluk):**

Thank you. Any general comments? Mr. Nerysoo.

**MR. NERYSOO:**

Thank you, Mr. Chairman. Can I ask the Minister, or for that matter, any Member of the special committee who represents me and my colleagues in this House on constitutional matters. The framework agreement proposes a constitutional content that will set out a new framework for the interpretation of treaties

between First Nations and the Government of Canada, and it proposes a treaty should be interpreted in a, "just, broad, and liberal manner, taking into account the spirit, and intent of the treaties, and the context in which the specific treaties were negotiated."

Maybe the Minister, Mr. Gargan, Mr. Bernhardt or Mr. Lewis, can clarify for me what the implications of this constitutional provision are, with regard to Treaties 8 and 11?

**CHAIRMAN (Mr. Pudluk):**

Thank you, Mr. Kakfwi.

**HON. STEPHEN KAKFWI:**

Mr. Chairman, I think that is a really good question. Here is a clause that was inserted at the very strong insistence of the Assembly of First Nations, that in fact, in my view, if there was no agreement to insert this in there, there would be no deal. That is how critical this particular clause was, and yet, the aboriginal leadership felt it sufficient that there was agreement to include this clause.

Now, the understanding is that, of course, when you look at the treaties, the courts will ultimately grab a hold of this, and choose to use it to interpret what both sides thought the deal was when treaty negotiations were taking place. Now, they could range from one extreme to another. One is that they could say, look, what is written in the written text of the treaty is all that you got, all you agreed to, and that is that. That would be, in my view, rather extreme, since the understanding is that it includes whatever notes and attachments that were made in the course of the discussions, such as the Commissioner's notes.

The other extent of it is, quite possibly, within the realm of what the Dene Nation has long said, that is, the treaties are simply peace treaties and treaties to allow non-aboriginal people to come on to these lands without duly interfering with the rights of the aboriginal people. If the negotiations of Treat 8 and 11 are going to be taken to task by the Dene and Metis to say that they want them implemented, but first interpreted, if this provision goes in, I think it adds tremendous strength to the cause of aboriginal people.

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Again you will note, much in the same light as the fears of some aboriginal women, that some chiefs will say that this is not sufficient to quell my fears about what might happen. As I say about the fears of aboriginal women and other women, we have done what we could, and in this case, the inclusion of this clause, in my view, plus the insertion of the inherent right to self-government and the words that it will constitute a third order of government, adds a tremendous amount of power on the side of aboriginal people at the negotiating table. It is a tremendous power. Thank you.

**CHAIRMAN (Mr. Pudluk):**

Thank you. Mr. Nerysoo.

**MR. NERYSOO:**

Thank you. I wonder if the Minister or the colleagues can indicate to me if you have prepared any documentation or legal documentation in this particular area. Also, one other matter, if the Minister might indicate to me if there has been any analysis that has been done that would reflect this particular portion of the framework arrangement on the D.I.A.N.D. policy, requesting, for instance, extinguishment, or, whether, or not, the whole request for requirement that has been historically included in agreements may, in fact, be challenged under this particular provision?

**CHAIRMAN (Mr. Pudluk):**

Thank you. Mr. Kakfwi.

**HON. STEPHEN KAKFWI:**

Mr. Chairman, sometimes my remarks may be used to give federal officials serious second thoughts about what has been agreed to in this package. In my view, the impact of the provisions gained by aboriginal people if the amendments are approved, will have a profound impact not only on the Northwest Territories, but the provinces and the federal government in regard to who they can govern, and how much power they have over aboriginal people. It will have a profound impact, I think, in the very existence of the Department of Indians Affairs, the policies that have been historically unilaterally developed and imposed on aboriginal people by that department.

The third order of government, in my view, implies and is understood by the federal government and the provinces to mean that this new order of government can have some or all the powers that a province has

and some of the powers that a federal government has. They will be adequately resourced, developed by aboriginal people, and they will be duly constituted forms of government for aboriginal people within a certain jurisdiction.

How the notwithstanding clause fits into that is once the women and the men and the elders get together in a particular jurisdiction to set up a Constitution, everybody will be involved in it. They will need to have the membership ratify that Constitution and say, yes, this is a duly constituted form of government. Now that government will have to have a process outlined that will say how they will use the notwithstanding clause.

There has to be a process agreed to which will have a Legislature, or an aboriginal government, set up a process whereby they would require at least some debate in their government, perhaps with their membership, and some time frame in which to exercise such a practice, as they would with any other program, any other responsibility they have within their power, that is given to them by their membership.

I am just one person, I gave what I think the impact of these provisions are. I would say that they would be very profound. Thank you.

**CHAIRMAN (Mr. Pudluk):**

Thank you. At this time I would like to recognize in the gallery the grade eight French immersion class from William McDonald Junior High School and their teacher, Mona Matthews. Welcome.

---Applause

Further general comments. Mr. Nerysoo.

**MR. NERYSOO:**

Thank you, Mr. Chairman. There is one principle, and I appreciate, I guess, the remarks that were made by Mr. Kakfwi, unfortunately other Members have not commented on it. I would have hoped that they could give me more detail, as representatives, and other Members, are not on the special committee.

I wanted to ask if you could, at some time, deal with the matter more specifically with Mrs. Marie-Jewell about what it is that you have done to get your own opinion, and I mean legal opinion, on the matter dealing with the rights and the protection relating to women.

I think that despite our own concerns right here it is incumbent upon us to assure the aboriginal women, and women generally, are not being overlooked in the process.

I do want to raise one concern about one of the principles in the Consensus Report that, for me, may raise troubles, and that is with regard to court action relative to treaty definitions, and applications for five years. I raise the point, because I am not sure if there is a concern with regard to aspects of Treaty's 8 or 11, or other treaties across the country, and whether, or not, the restriction in the principles adopted in the Consensus Report may have a bearing on proceeding on treaty court action.

**CHAIRMAN (Mr. Pudluk):**

Thank you. Mr. Kakfwi.

**HON. STEPHEN KAKFWI:**

Mr. Chairman, on the first point, I think in the course of the discussions, as I said, we have taken the view that where the rights of women were concerned, minorities, disabled, we were there to promote and make sure that there was no erosion of these rights, and we feel we have done an adequate job.

As, I think, one Member raised earlier, including one Member of the committee, perhaps we did not do enough in the case of the disabled. The fact was, and Mr. Clark has clarified that, in checking with all the participants, everyone was with the view that the wording in the Canada clause included, since it does not specifically exclude, but following finalization of the text, if it is understood that they are not explicitly included, that provisions will be made to make sure that they are.

As far as the legal opinion goes, we were going on the fly, so to speak, and we had 100 lawyers, huddling just in one corner of the room alone. It is our view that there is no erosion. The rights of women, whether they are aboriginal women or not, are not threatened, or eroded, as a result of these rights, as I said earlier. It is our view, and it is our strong political view that we have made gains.

If I understood the question right, what do the provisions in the Constitution imply for possible court action in regard to the treaty interpretations? In my view, if this constitutional package is approved, the courts will take directives from the Constitution, explicitly that section says that treaties will be

interpreted in a broad and liberal manner, keeping in mind the spirit and intent in which they were created, I think is the wording that we use there. Of the parties that are signatory to the treaties, that the courts will find that they do not have to stick to a written version of a treaty to render their decision, that they will take into account the views of the aboriginal peoples

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who are party to that agreement. They will take into account what their understanding of the aboriginal people were when they went to the treaty table. They will take into account what the aboriginal people say, their original intent, or spirit of the treaty making. I think it enhances in a significant way, the gains that could be made by aboriginal peoples through the courts, because it removes the threat.

I think that the court could become so straight-jacketed, and conservative, as to say Treaty 8 and 11, only mean what is written in the treaties. It removes that, I think, as a likely possibility in the court rendering a decision that, in my view, it also does something that has not been mentioned by Mr. Mercredi yesterday.

It removes as well, the possibility that individual chiefs, and band councils across this country, could jeopardize the gains made by aboriginal people in other legal proceedings through poor and improper resources, a lack of financing, and improperly prepared court cases, as has been the case in recent years. Where individual bands in other parts of the country can jeopardize the rights, and the prospects, for gaining rights for everybody else in the country by unilaterally taking their own court action. I think this provision does have, for myself, a tremendous gain. Just to remind Members, when we went to negotiations, as many of you know, we felt that if we could get the right to self-government in there, we were doing pretty darn good. If we got the inherent right in the Constitution, we were going great. What, in fact, happened was much more than that.

We got provisions for Metis people, we got provisions for self-government, for the process of negotiation, the legal transition, and we have got provisions for inclusion for representation in the Senate. We have made many, many gains that we had not contemplated before we got to the negotiations. Thank you.

**CHAIRMAN (Mr. Pudluk):**

Thank you. Mr. Nerysoo.

**MR. NERYSOO:**

Thank you, Mr. Chairman. I will not argue the point with Mr. Kakfwi that no gains have been made. I think it is clear that gains have been made for aboriginal people, but in achieving those gains, there are some limitations, you might say, or perceived limitations as to how far you can go immediately. Trying to interpret those rights, and I think that in trying to sell the agreement, you have to assure the people that their own efforts to try to get some interpretation will not be refused, because there is a five year, so-called arrangement, that court proceedings are not to be considered.

The way I read it, it may not have a bearing, but on the other hand, there is nothing to suggest, in the agreement, that we cannot proceed with court action relative to treaty definitions, or applications. Now, that is not clear to me, and maybe Mr. Gargan, our legal advisor, can clarify that for me about the courts because it is not clear to me.

**CHAIRMAN (Mr. Pudluk):**

Thank you. Mr. Kakfwi.

**HON. STEPHEN KAKFWI:**

Okay, Mr. Chairman, perhaps I should have made the point that the five year delay in just what the Member might be referring to. I understand that to apply only to the right to self-government, that there is a political agreement, that following these amendments being put in place in the Constitution, none of the aboriginal people will be able to take any governments to court, as a result of the inherent right, for five years. That allows for ample time for negotiations to take place, and that was agreed to.

As far as the treaties are concerned, those documents are constitutional documents, and regarding the aboriginal people, and the federal government for that matter, there is no impediment on their access to courts to rectify, clarify, or take action, for or against, treaties at this time.

In fact, as I said earlier, this section of the proposed constitutional amendment will enhance, and I think instruct, the courts of Canada to take a certain approach to the treaties. Thank you.

**CHAIRMAN (Mr. Pudluk):**

Thank you. Are there any further general comments?  
Mr. Ningark.

**MR. NINGARK:**

Thank you, Mr. Chairman. I am going to be very brief and straightforward. I believe that we have nothing to lose by endorsing the Consensus Report on the Constitution that was concluded in Charlottetown. I believe we are moving forward according to what I can understand from the context of the report.

I believe that, especially, the aboriginal people, the native people, the communities, and the aboriginal women have something to gain by asking the political leaders within the N.W.T. Legislature to approve the report.

It took us many, many years, Mr. Chairman, to be a part of the players within the national government. Not only within the national government, also being in the same game with the other jurisdictions, the provinces. I think we have to move forward, and this is only the first step. If we approve this, then I believe the committee will go out and inform the public, within our jurisdiction, about the context of the report.

This is only a step forward. I believe that we have nothing to lose by approving this, but everything to gain. I believe that if we strive to get more from the agreement without knowing, it may jeopardize what we have already gained. Therefore, I will be voting in favour of the endorsement. Thank you, Mr. Chairman.

**CHAIRMAN (Mr. Pudluk):**

Thank you. Is there any further general comments?  
Mr. Lewis.

**MR. LEWIS:**

Thank you, Mr. Chairman. I will not respond to all the comments that Mr. Nerysoo has raised, but they were all valid ones.

As we know, this was a very complicated process, and if you were to listen to all the commentators that have reported on this Consensus Report over the last couple of weeks, you will hear all these issues raised, we are dealing with very, very complex matters.

The report however, was the best effort after a long, long period of time, and we should take some comfort from the fact that this was a process of consensus. It is called a Consensus Report. In other words, there

was a long period of give and take among an awful lot of people. So, we should feel pleased, I suppose, since we are a consensus assembly that this was the approach that was taken. There was no battering of doors down, or bullying. A tremendous amount of patience, trying to cobble together a Consensus Report, and I know that some Members are a little bit concerned about trying to put on a report, because that is what this is, it is a report as a result of the process, which contains the substance of what eventually, we hope, will be a new Constitution.

I know that some Members are worried about the use of the word endorse. Some of us believe that it is such a significant step forward that we should be prepared to put our stamp, if you like to endorse

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something means to say "yes". When you bang your hand down three times with your piece of rubber, I guess, and say this is something we approve of, it has our approval, then we endorse it.

As I said yesterday, Mr. Chairman, there is no Constitution that has ever been written as a perfect document. It has not happened yet, and some people believe that if you use the word endorse, that means that you are putting your stamp of approval on an imperfect document. That seems to be the way I hear people talking. It is the best effort that some very, very dedicated and clever people, the cleverest people we have in this business, I suppose, could come up with. For that reason, we felt that because it was the best effort of an awful lot of people, that we would not be too shy, that what we would do is to endorse it.

It could be that people want to debate the kind of approval we give to this best effort over a long period of time by a lot of people. Some people may want to say they just want to support it. Some people may want to say that they only want to support it in principle. The fact remains, though, Mr. Chairman, that we have some kind of obligation to give our opinion of it in this Assembly, and Mr. Nerysoo has advanced this quite considerably today by bringing up the kinds of issues that people are raising all across the country, about what is in the report, and what concerns may have been raised.

Well, I can assure Members, though, that in the discussion that took place, many of the provisions that appeared in the document appeared as a result of the concerns of various interest groups in the multilateral

conferences. Things like, for example, a fair, equitable, and reasonable, description and treatment of the treaties. It was something that the Assembly of the First Nations really wanted to have.

Now, I was not about to question why somebody would want to have a long standing agreement between aboriginal people and the Crown. It would not be my position to argue, well, you know, why do you need to have something like that, an old historical dusty document, which describes your relationship with the Crown, because to some people that is a sacred relationship. It matters greatly, so it was not in my opinion, my position, to really question whether that was something that should be in an accord like this, or a Consensus Report.

Many of the things appeared in the document because of that process. Things appeared that mattered to people. Mr. Chairman, if we are going to proceed with a proper ventilation of all the issues that people would like to have discussed in this Assembly, then what we want to avoid doing is going through all the steps that took place over a long period of time. It is a very complex business, as Mr. Nerysoo, Mr. Kakfwi, and Mr. Arvaluk know, they have been through all this. They know what a complex path that you go through when you are trying to get something agreed on by a lot of people.

The discussion has been well advanced and many of the issues have been raised, which should be raised. We are going to have to decide very soon, Mr. Chairman, in my view, what position we are going to take as an Assembly, on the Consensus Report. That is what it is, a Consensus Report.

Whether we want to endorse it, as the recommendation of the committee suggests we do, or we in fact, look at it, and say it is not absolutely 100 percent perfect, and we would not want to put a stamp like this, so firmly, on something that is not perfect.

I am prepared to do that, as an act of faith. I am prepared to endorse this, as the best efforts of the people of goodwill have worked with patience over a long period of time. When we get to it, Mr. Chairman, that will be the nature of the debate, I think we should engage in. Thank you.

**CHAIRMAN (Mr. Pudluk):**

We will take a 15 minute break.

---SHORT RECESS

Now, this committee will come back to order. Are there any further general comments? Mr. Nerysoo.

**MR. NERYSOO:**

Mr. Chairman, I have a lot of questions, and I am not sure who I should be addressing these matters to. If I could ask, Mr. Chairman, a question. Over the past few days, Mr. Chairman, there has been much talking about the absence of a legal text on the current political agreement. In fact, just this weekend, it was reported that a legal text may or may not be available prior to the referendum.

I believe that it was Premier Wells who used the analogy that you cannot buy a house without seeing the terms and conditions of the mortgage when he was describing the absence of a legal text.

Perhaps, the chairman of the special committee could comment on this first, and then each of the panel Members. Will you continue to support this agreement, if the legal text cannot be prepared, and agreed to, prior to the referendum?

**CHAIRMAN (Mr. Pudluk):**

Thank you. Mr. Kakfwi.

**HON. STEPHEN KAKFWI:**

Mr. Chairman, I think it should be clearly understood that when we are expecting the Members of the Legislature to endorse the Consensus Report, the Charlottetown Consensus Report, we are asking this Legislature, based on what they can read in that report, are they prepared to endorse it. That is exactly what it is, and communities and our constituents will take our lead in saying that in the view of the Legislature, Members of this Legislature, this government, what they have read and understand to have been agreed to in the Consensus Report warrants support.

That is quite in line with Mr. Well's analogy, that when you make a deal to buy a house, you make a deal, it is based on certain terms of reference, certain terms being agreed to. Of course, the lawyers have to go off and write up your agreement in legal document, and the deal is subject to an acceptable legal text. This endorsement that we are asking the Members to support today, in no way suggests that they will also be automatically bound to support the legal text.



The legal text has to reflect clearly what we understand to be the agreement reached, and reflected, in the Consensus Report. The legal text will be dealt with in a new recommendation by this Legislature. The special committee has drafted a new recommendation to deal with the legal text, when it comes out, to make sure that the endorsement today does not mean that the legal text will automatically be accepted. Thank you.

**CHAIRMAN (Mr. Pudluk):**

Thank you. Mr. Nerysoo.

**MR. NERYSOO:**

Thank you, Mr. Chairman. I want to make one point, though, I think that earlier today, when there was a matter of concern that was raised about a number of issues related to the matter of the text, that there was some suggestion that people in the communities are not all lawyers. I want to inform my colleagues that does not mean that the people in the communities do not understand the words in the document. I want to make that point. I can say to people, from my experience, and I know the Inuit Members will

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probably agree, after their process is done with their claim approval, people have begun to understand the details of their agreement.

I can say even from my experience with the Gwich'in comprehensive agreement, that all the elderly people began to understand. They knew what the words were, and they understood the details. The intent of an information session was in fact to give them an ability to understand. I just want to make that point. I think there is some suggestion, earlier, that we do not all have to be lawyers to appreciate or understand what is written in legal terms.

Another point, Mr. Chairman, I want to say that I am concerned about the implications if consensus cannot be reached on the legal text in the political accord, because if there is no arrangement reached, then we are back to square one again. We are all the way back, having approved, in fact having approved the agreement, even in a vote, then there is no agreement on the legal portions, then what are the contingency plans. In other words where do we go from here. If the legal text is done, the vote is "yes", what then.

Maybe that has not been considered, but I am wondering if the Minister or the special committee has thought about that and is, in fact, preparing plans to address that particular matter, including the potential of the legal text not reflecting our concerns.

**CHAIRMAN (Mr. Pudluk):**

Thank you. Mr. Kakfwi.

**HON. STEPHEN KAKFWI:**

Yes, in response to the concern that the Member raised earlier, and again, just now, the recommendation will say that the legal text would be brought here for the Members consideration, as soon as it becomes available, and the Members will then discuss the legal text.

**CHAIRMAN (Mr. Pudluk):**

General comments? Mr. Lewis.

**MR. LEWIS:**

Thank you, Mr. Chairman. I do not want to cut off discussion, or debate, because that is going to continue as long as Members want to do so. I think it is important, since we have been talking all around the subject, that in order to put it in the context, we may as well have a motion, so that we can debate a motion, rather than just the issue surrounding the motion.

With your permission, Mr. Chairman, because I believe that a motion is in order at any time, during committee of the whole, I would like to move one of the recommendations of the special committee, if that is all right?

**CHAIRMAN (Mr. Pudluk):**

We are still on the general comments. When we finish the general comments, we can start debating those recommendations. Mr. Lewis.

**MR. LEWIS:**

I believe, according to our rules, Mr. Chairman, that it is in order for a motion to be introduced at any time during committee of the whole, but I do not want to challenge you.

**CHAIRMAN (Mr. Pudluk):**

A point of order, Mr. Nerysoo.

**MR. NERYSOO:**

No, Mr. Chairman, I was going to ask if the honourable Member was challenging your ruling, but he indicated that he was not.

**CHAIRMAN (Mr. Pudluk):**

Thank you. General comments. Mr. Bernhardt.

**MR. BERNHARDT:**

Thank you, Mr. Chairman. I too, like my colleague from Natilikmiot, will be endorsing the recommendations. I think that it is good for all the aboriginal peoples of the Northwest Territories. We will have an inherent right to self-government. We all know that we are a distinct society, and therefore, I think that I am going to be going along with my colleague.

I think that it is about time that we show our support on this, because we are going to finally have a rightful and meaningful place in Canadian society. For too many years, we have been tossed around like a caesar salad, it just is not fair that we continue in this kind of a manner. If we look at our country, and compare it to other countries in the world, I think that Canada is a world leader, an envy of many industrialized countries that try to understand and to make native peoples a part of the mosaic of Canadian society.

When I hear belabouring about this and that, and how it is going to be done, let us just give our government and the people of Canada a chance to say, hey, this is good for us. When we question anything and everything, it confuses the situation a lot more and people sort of die by the wayside.

I really will be endorsing this because I feel that, finally, we have something to be proud of, especially this government, where the honourable Stephen Kakfwi and Madam Premier have worked so hard. Sure the final context is not yet done, but it will be shortly. With their knowledge of how the aboriginal peoples in the territories are struggling, we could put our trust in them to get us where we want to go, and what we want to achieve. Thank you, Mr. Chairman.

**CHAIRMAN (Mr. Pudluk):**

Thank you. General comments. Mr. Pudlat.

**MR. PUDLAT:**

(Translation) Thank you, Mr. Chairman. I will speak briefly, I will make a short comment. It is very clear by listening to the Members make their comments in regards to the agreement, and I am very well informed, I feel. I also had a concern today, as you are aware, regarding the referendum, and I feel that the Inuit of Canada should be well informed about what will be happening. That was my main concern, that Inuit should be informed.

There are a lot of concerns, that we have here during this Legislative Assembly. In the report, it is also written in regards to the process that we will be taking, and it is very informative for us. As Canadians, we should fight for our rights, so that we will be able to hold onto those rights once they are done. I know that everything in the document will not be supported by everybody, but I think we should go ahead and work together, and we should deal with the concerns that are being raised.

While I read the document, I have not come across too many things that I do not agree with. I am in support of it also because, as Canadians, we should try to fight for our rights. I would like to say that I am in support of the document, and I know not everybody will be in support, but we will vote for what we agree with.

In regards to self-government, we have to think of our young people, and work for them, so that they will have a better future. What we do today will have an effect on our young people. So, I would just like to say that I am in support of this, and I just wanted to speak briefly, so thank you, Mr. Chairman.

**CHAIRMAN (Mr. Pudluk):**

Thank you. General comments. Mr. Nerysoo.

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**MR. NERYSOO:**

Thank you, Mr. Chairman. I know that people are a bit anxious about proceeding as quickly as they can with this particular item, and I know that probably people are getting a bit annoyed, but the fact is, that I think the questions that are being asked are reasonable ones, and they are getting reasonable answers.

I indicated earlier that there is no doubt that, eventually, I will be supporting the report itself, but there are still a lot of questions. I think the important thing is, with great respect to my colleagues, the

matter that is being put before our people is the report, the Charlottetown Consensus Report. It is not the legal text. The legal text is a document that is going to give detail to the report. I think the problem is that the report, itself, does not give substantive answers to the kinds of discussions that took place and the kinds of agreements that were reached at the table.

I want to say to my colleagues, I probably read every document that was prepared for the Special Committee on Constitutional Reform, trying to keep up to the work of the committee. I know that the clerk, or at least Mr. Schauerte, will probably be happy on the day that he does not have to give me copies of your reports, or copies of the works that have been done across the country. The fact is, I am interested. I take an interest in what is happening in our country, and I take an interest in what is happening in our Constitution, and how that Constitution affects not only aboriginal people, but the people of the Northwest Territories.

It incumbent upon us, as leaders, to be concerned. If we are not, then we are in the wrong business.

I want to say, Mr. Chairman, that I could probably sit here for another three days asking all these questions, but I will be proposing an amendment to the proposals that are being made, and when we get to them, if people want to vote against it, that is there business. I do have major questions, and I know that every M.L.A. is going to be asking these questions that I want to ask right now, but you do not know which questions they are. You do not want to sit here, either. The fact is Cabinet wants to get on with their budget, and Members here want to get on with their budget, and the fact is, that is the case.

So nobody wants to take the time, and what is sad about it is that it is probably going to be far more important in the long-term, the vote on October 26, is going to be more important, and its long-term consequences are going to be far more important, than the passing of our budget, and much more significant. We do not understand the details, or the agreements that were reached, and my view is the people of the north, the aboriginal people included, are no further ahead, I think what you will find is that there is a need to change policies, in our own government, to reflect the agreement. I have not heard yet from our own government, and maybe at sometime I will hear from the Government Leader, or Ministers, or the Minister responsible for Constitutional Development and Aboriginal Rights.

Significant changes are going to occur in our Assembly, in government policy, that will, in fact, reflect the comments made by Mr. Kakfwi, and that is, there are no restrictions on aboriginal self-government. None. If you remove them from the concept, you will recognize them only within the framework of public government. That has to go, but that has not been stated in this House.

You have to leave it as I agree, and I support my colleague, that there are no pre-conditions. You, yourself, have to make those statements. Your actions will show to the aboriginal people how serious we really are in that matter. So, I think to accommodate my colleagues, so that we can get on with other things, I hope that during question period, I will be able to ask these questions of my colleagues, to deal with these matters, and to deal with other matters that people feel are more important. I will get on with concluding my general comments right now, because these questions are not important for the people.

**CHAIRMAN (Mr. Ningark):**

Thank you, Mr. Nerysoo. Madam Premier.

**HON. NELLIE COURNOYEA:**

I think the questions are very important. I do not want in any way to let it be known, or said, that we are not interested in sitting here, and listening to Members' comments. I do not want to be the person that says, "I think it is not important." I think it is darn important, so if there are other ways of doing it, by speaking on the question period, fine, but we are not here to limit debate.

**CHAIRMAN (MR. Ningark):**

Thank you. General comments, Mr. Kakfwi.

**HON. STEPHEN KAKFWI:**

Mr. Chairman, I want to just state, again, what the Premier said. I want it understood that I do not want to curtail the debate either. I think it is necessary, especially if we can get the Members of the Legislature to come out with a very clear, strong motion of support for this report as it is reflected in the report we have tabled with you.

This is all that we have right now, and I think for all the complaining that we did about being left out of Meech Lake, all the complaining about not being able to achieve anything in the First Ministers' conferences

in the early 1980s, we now have, I think in the view of the public, the national aboriginal leaders, and the governments across this country, historic significant achievements for aboriginal people. If this Legislature sends out so much as a subtle signal that we are only lukewarm about this particular document, then the signal will be picked up by many people, including those people that want to scuttle the whole thing, saying it does not seem that important, look at the Northwest Territories, where the population is overwhelmingly aboriginal people, where there is a majority population of Inuit in one jurisdiction, and a strong representation by the Metis and Dene people, and they are only lukewarm about it. Is it really so critical for aboriginal people? That is a concern I have, and I think Mr. Mercredi stated it very well yesterday, we do not want to overstate the case.

It is also equally important that we do not let it be understated, and so if it requires more time for questions to be answered, and the debate to continue, I would prefer that to trying to finish up early, and have Members who have too many questions unanswered in our minds to lend full support to this. Thank you.

**CHAIRMAN (Mr. Ningark):**

Thank you, Mr. Minister. Further general comments from the floor. Mr. Arngna'naaq.

**MR. ARNGNA'NAAQ:**

Thank you, Mr. Chairman. I just wanted to make one further comment, and indicate that I give my support to the Special Committee's report. However, there are some concerns that I do have, and perhaps I could ask the Minister regarding the territorial representation in the House of Commons.

It shows in the report that smaller jurisdictions will be assured their existing number of common seats. Provisions allocating two House of Commons seats to the Northwest Territories, and one for the Yukon, will be retained. I wanted to get some clarification on that.

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Under the assumption that Nunavut Territory will be created, will there be a representative of the Nunavut Territory? The other question being of the Senate representation for Nunavut territory. The report from the Special Committee on Constitutional Reform says the territorial government is pressing to ensure that a

new territory will be entitled to the same Senate representation as existing territories. When you use the words "is pressing to ensure" that a new territory will be entitled to the same Senate representation that shows me that there will be no representation from the Nunavut territory, and that the territorial government today, is pressing to ensure that the new territory will have a Senate seat.

I would like that clarified, from the Minister, whether there will in fact be a seat for the Nunavut territory in the House of Commons, as well as in the Senate. Thank you, Mr. Chairman.

**CHAIRMAN (Mr. Ningark):**

Thank you. Mr. Kakfwi.

**HON. STEPHEN KAKFWI:**

Mr. Chairman, on the issue of representation in the House of Commons for a proposed Nunavut territory, that was not included in this Consensus Report. Again, what we were trying for was a generic application, that each territory of Canada would be allocated at least one Member in the House of Commons. Right now, for instance, the Yukon is guaranteed one, the Northwest Territories is allocated two. So, it is our hope in the House of Commons, that simply we just split that at the time division happens.

On the question about Nunavut representation in the Reform Senate, as I tried to explain earlier to Ms. Mike, the understanding in the course of negotiations was that the legal text would simply say something generic, that each territory of Canada would be guaranteed at least one Senate seat. This was right up until it was understood politically and at the officials level, I do not know what day, but during the Charlottetown discussions, upstairs the Premiers were, our Premier was, locked into a meeting with the Prime Minister and the Premiers of the provinces, the territories, and the aboriginal leaders. They were finishing off discussions. In another room, officials were working on wording and legal text.

In the course of those meetings, some officials launched into saying the legal text has to be specific for each jurisdiction. The understanding that we had that it would be generic, is now one of the options, it is no longer the only option. It is our view that we will continue to try to get legal wording that will reflect that, and if not, to have a specific legal wording that would say, in the event that a Nunavut territory is

created, that a Nunavut territory would also be guaranteed one Senate seat.

That is where it is. The discussions are carrying on right now by officials. They will continue even into the weekend. That is one of our objectives. I should note, as well, that the federal government had agreed with the provinces that the question of aboriginal representation in the Senate, which would be above and beyond what is presently allocated, to the federal government and the provinces will be discussed, and they will try to finalize that during October/November.

There again, the understanding is some of those Senators will be possibly allocated to represent Inuit and aside from the Northwest Territories, northern Quebec, and Labrador, there is no other jurisdictions that would be asking for representation there. I think we have done well in it, as I say, it would have been preferable if we had tied it down. We thought it was, and we keep working on it. Thank you.

**CHAIRMAN (Mr. Ningark):**

Thank you. Mr. Arngna'naaq.

**MR. ARNGNA'NAAQ:**

Thank you, Mr. Chairman. Just one last comment, from what I can understand of the Minister responding to my question, he is asking us then, as Members of the Nunavut Caucus or Nunavut Members to vote on an understanding that these will be in place. If we are using the word "endorsing" the recommendations of the special committee on the understanding that when the territory is created, that we will possibly have a representative in the Senate, and a representative in the House of Commons. Thank you, Mr. Chairman.

**CHAIRMAN (Mr. Ningark):**

Qujannamiik. Mr. Minister.

**HON. STEPHEN KAKFWI:**

Mr. Chairman, the Member is correct. I am going on the understanding that the new territory, if it is created, will not be denied representation in the Senate or the House of Commons. That is the understanding that I have, and if the Constitution does not reflect that, at this time, then the question comes up, then is it necessary to, is it useful to support, or reject, the package as a result of this.

I would argue Nunavut is not quite in the bag yet, we still have a few hoops to jump through, including the

ratification of the T.F.N. claim, and our own process up here, to come to that realization. In my view, we have to press really hard, but I do not think we should let it develop into something that could constitute a deal breaker for us. That if, for instance, in a worse case scenario, that somehow there is no assurance that a Nunavut territory will, if it is created, be represented in the House of Commons and in the Senate, then my advice would still be that we should endorse the package and nail down the significance we have made, and press on to make the other gains that we see as shortcomings at this time. Thank you.

**CHAIRMAN (Mr. Ningark):**

Qujannamiik. Further comments, Mr. Arngna'naaq.

**MR. ARNGNA'NAAQ:**

I would just like to make it clear, that in my mind, there will be a Nunavut territory, now whether it is in 1997 or 1999, or a hundred years from now, there will be a Nunavut territory. I have no doubt in my mind about that. What I am saying is that when it is created, at this point we are going to be voting on an understanding. That is the only thing I am trying to say, that we are voting on an understanding, rather than a definite "yes" or "no". There is no legal text. The only thing that we have are the documents that were created at Charlottetown.

When you say that, the officials say, that it has to be definite, and others are saying that it will be generic, then it makes it difficult to say that I will give my support, or give my vote for "yes", on an understanding. Thank you, Mr. Chairman.

**CHAIRMAN (Mr. Ningark):**

Qujannamiik. Any further general comments? Mr. Minister.

**HON. STEPHEN KAKFWI:**

Just, perhaps as a trivial point, but, in the event that these amendments go through as it is, without any assurance to the Nunavut territory, there is one hypothetical situation that might be of interest to the particular member. The Nunavut Territory, as it is prescribed now, would constitute a territory of Canada.

If the western territory should make use of the provision in the amendments that would allow for the creation of aboriginal governments, that may not necessarily be constituting a territory of Canada,

under the present constitutional definitions. I am not certain that this part of the territory would be assured representation in the House of Commons or Senate, but surely the Nunavut Territory would meet that particular definition more comfortably.

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I raise that just because I think it has been mentioned to me by one interested observer.

**CHAIRMAN (Mr. Ningark):**

Thank you. Mr. Nerysoo.

**MR. NERYSOO:**

Thank you, Mr. Chairman. I wanted to indicate, as I did yesterday, Mr. Chairman, to the Government Leader and the Minister of Aboriginal Rights and Constitutional Development or Intergovernmental Affairs, and I think that Mr. Todd raised the point previously, that it has to do with the common market proposal that would extend the section of the Constitution Act, which prohibits provinces from imposing tariffs or duties on goods coming from other provinces.

Under the proposal, the provinces would also be prohibited from erecting trade barriers to the movement of services, capital and persons. I understand that the Ministers did not reach a consensus on the extent of the exemptions to the prohibition on trade barriers and that these issues would remain for further negotiation. Has there been any determination on exemptions to the prohibition on provincial trade barriers, that are being considered for discussion? Have we gone into any of those details yet, or is the government in the process of developing a position document in this area?

**CHAIRMAN (Mr. Ningark):**

Thank you. Mr. honourable Minister. Mr. Kakfwi.

**HON. STEPHEN KAKFWI:**

Mr. Speaker, I am not aware that the government, at this time, is preparing a more definitive position than what we had going into these discussions earlier in the year. It is in our view that we have to protect the preferential policies that this government has in place at this time. The wide open policies were strongly sought by the federal government, in fact, at one point the federal government said this was the one element

of the deal they absolutely had to have in order for a deal to be made.

It should be mentioned that the position of our government is that, as a small jurisdiction, as a developing jurisdiction, as a unique jurisdiction within Canada, we have to have exemptions. We have to have some protection for the kind of approach we take to developing our own economy, our own people, our own businesses. These are the types of exemptions we sought.

It has been the suggestion that should these constitutional amendments go through, then we will see, probably, a first Minister's conference on the economy fairly soon thereafter, at which time, if such an event takes place, it has been recommended by many of us that the Members of the Legislature should bring specific Members, who are very concerned and knowledgeable in the area of trade, goods and services and the business world, to come and assist the government in the course of these discussions. Mahsi.

**CHAIRMAN (Mr. Pudluk):**

Thank you. Mr. Nerysoo.

**MR. NERYSOO:**

Thank you. Mr. Chairman, I will not go on much longer, but I do want to point out that it was proposed that a provision be added to the Constitution, setting out the commitment to various policy objectives of the economic union, such as the goal of full employment and the free movement of goods, services, persons and capital.

Now, I am not going to, in any way, argue against the remarks made by Mr. Kakfwi. In fact, I support them. However, I do want to express concern about the lack of movement on our part, at least to do an analysis of those areas, that could be helpful to the Minister, to our Government Leader and to the Minister of Finance, in this area.

I would encourage the Minister and the Government Leader to bring forward, at least some indication in a statement or in a position paper, the issues and the concerns and the options that could be considered in addressing some of the economic concerns in the ongoing discussions. I doubt very much, Mr. Chairman, that we can get into the details, even though I have detailed questions to ask, if you do not have the actual position paper developed at this time.

I do think it is important for the people to know exactly where the government stands, and where this Assembly stands, on that matter. Thank you, Mr. Chairman.

**CHAIRMAN (Mr. Pudluk):**

Thank you. General comments, or do you want to respond, Mr. Kakfwi?

**HON. STEPHEN KAKFWI:**

Yes, I take the Member's comments, and accept that we can do something about putting together a paper that would describe the approach we took, and describe, at least in general terms, what we are developing at the negotiating table with all of the different participants, because, as dry as it might look, it is quite fascinating as the Member knows. Thank you.

**CHAIRMAN (Mr. Pudluk):**

Thank you. Further general comments. Are there any further general comments? Does this committee wish to go on to the recommendations now?

**SOME HON. MEMBERS:**

Agreed.

**CHAIRMAN (Mr. Pudluk):**

Thank you. We are on the recommendations now. Mr. Lewis.

Committee Motion 178-12(2): To Adopt Recommendation No. 1 Of Committee Report 18-12(2)

**MR. LEWIS:**

Thank you, Mr. Chairman. I would like to move the first motion of the committee, which was outlined in its report to the Assembly. I would like to move that the Legislative Assembly formally endorses the Consensus Report on the Constitution, concluded in Charlottetown on August 28, 1992.

**CHAIRMAN (Mr. Pudluk):**

Thank you. Motion is in order. To the motion. Mr. Nerysoo.

**MR. NERYSOO:**

Mr. Chairman, I would like to move an amendment. I move that recommendation one be amended by removing the word "endorses" and replacing it with the words "accepts and supports."

**CHAIRMAN (Mr. Pudluk):**

The amendment is calculated. Thank you. Your amendment is in order. To the amendment. Mr. Lewis.

**MR. LEWIS:**

Could we have that amendment read out, Mr. Chairman, before we decide a vote on it. Okay, thank you, Mr. Chairman. I have a copy of it now.

**CHAIRMAN (Mr. Pudluk):**

To the amendment. Mr. Kakfwi.

**HON. STEPHEN KAKFWI:**

Mr. Chairman, we should let Members know that, at least my understanding of the amendment is it takes the word endorses, and it splits it up into two strong little words which say, basically, we accept and support the report, and that is the intent of the amendment. Based on that, I like it and I would support the amendment. Thank you.

**CHAIRMAN (Mr. Pudluk):**

To the amendment. Mr. Ningark.

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**MR. NINGARK:**

Thank you, Mr. Chairman. I would like to comment on my colleague Mr. Nerysoo for allowing us a better understanding of some of the sections, which we were not clear on, in the report. In that respect, Mr. Chairman, I will be supporting the motion, as amended. Thank you.

**CHAIRMAN (Mr. Pudluk):**

We are dealing with the amendment right now, and after that, we will go back to the formal motion. Mr. Ningark.

**MR. NINGARK:**

Thank you, Mr. Chairman. Yes, I support the amendment, as amended by Mr. Nerysoo.

**CHAIRMAN (Mr. Pudluk):**

Thank you. To the amendment. Mr. Lewis.

**MR. LEWIS:**

Thank you, Mr. Chairman. I would have preferred the original words of the committee "endorses", but these are still positive words, and it recognizes perhaps that it is not a perfect thing on which you would want to put the stamp, you know, the best housekeeping seal, that this is the best thing that could ever have happened. If this will gain the support of all Members of the House, then I will support the amendment.

**CHAIRMAN (Mr. Pudluk):**

Thank you. To the amendment. Mr. Koe.

MR. KOE:

Mr. Chairman, I endorse the amendment. Mahsi.

**CHAIRMAN (Mr. Pudluk):**

Thank you. To the amendment. Are you ready for the question?

**SOME HON. MEMBERS:**

Agreed.

**AN HON. MEMBER:**

Question.

**CHAIRMAN (Mr. Pudluk):**

Question has been called. All those in favour? All those opposed? Amendment is carried.

---Carried

Now to the motion, as amended. Question. Are you ready for the question?

**SOME HON. MEMBERS:**

Agreed.

**CHAIRMAN (Mr. Pudluk):**

You have to request that through the microphone, if you want to record it. Mr. Nerysoo.

**MR. NERYSOO:**

Thank you, Mr. Chairman. A recorded vote, please.

**CHAIRMAN (Mr. Pudluk):**

Recorded vote has been requested. To the motion as amended. Are you ready for the question?

**SOME HON. MEMBERS:**

Agreed.

**AN HON. MEMBER:**

Question.

**CHAIRMAN (Mr. Pudluk):**

Question has been called. All those in favour, please stand until your names have been called.

Recorded Vote

**CLERK OF THE HOUSE (Mr. Hamilton):**

Mr. Ningark, Mr. Pudlat, Mr. Dent, Ms. Mike, Mr. Nerysoo, Mrs. Marie-Jewell, Mr. Gargan, Mr. Koe, Mr. Antoine, Mr. Todd, Mr. Bernhardt, Mr. Lewis, Mr. Arngna'naaq, Mr. Arvaluk, Ms. Cournoyea, Mr. Kakfwi, Mr. Morin, Mr. Whitford, Mr. Patterson.

**CHAIRMAN (Mr. Pudluk):**

Thank you. All those against? all those abstaining?

Votes in favour, 19. Zero voted, no. Zero, abstained. Motion is carried unanimously.

---Carried

---Applause

Mr. Patterson.

Committee Motion 179-12(2): To Adopt Recommendation No. 2 Of Committee Report 18-12(2)

**HON. DENNIS PATTERSON:**

Yes, thank you, Mr. Chairman. I move that the Special Committee on Constitutional Reform conduct a public information campaign, prior to the referendum, which would outline the Consensus Report's contents, and identify the implications of the reform package for the Northwest Territories.

**SOME HON. MEMBERS:**

Agreed.



**CHAIRMAN (Mr. Pudluk):**

Thank you. Motion is in order. To the motion. Mr. Arngna'naaq.

**MR. ARNGNA'NAAQ:**

Thank you, Mr. Chairman. Maybe I was not in the House when it was being discussed, but I would like to find out what it will cost this government to do this sort of public information campaign? Thank you, Mr. Chairman.

**CHAIRMAN (Mr. Pudluk):**

I will allow Mr. Kakfwi to answer that question, and we usually never ask the question when the motion is on the floor, but back to the motion, Mr. Kakfwi.

**HON. STEPHEN KAKFWI:**

Mr. Chairman, my understanding it that it is going to be about \$30,000. Right now the options we are looking at is in the neighbourhood of about \$30,000 to provide information. Thank you.

**CHAIRMAN (Mr. Pudluk):**

Thank you. To the motion. Member for Thebacha.

**MRS. MARIE-JEWELL:**

I understand that there was no attempt to access federal money because the federal monies were not going to really be worthwhile accessing. Mr. Chairman, I would like to ask the Minister, is the \$30,000 coming out of his allotted funds that he has in the constitution committee, so it would not affect other committees of this House? Thank you.

**CHAIRMAN (Mr. Pudluk):**

Mr. Kakfwi.

**HON. STEPHEN KAKFWI:**

Mr. Chairman, there is no approval for expenditures, and it would come through a supplementary request.

**CHAIRMAN (Mr. Pudluk):**

To the motion. Mr. Koe.

**MR. KOE:**

In the same line, I happened to be in Quebec when the discussions on this issue in the Quebec

Legislature were under way. I was under the impression that the Quebec government in their approval of going ahead with the constitutional amendments, requested that the federal government pay for the information campaign in Quebec. I am wondering if we, this government, made any attempts to do that?

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**CHAIRMAN (Mr. Pudluk):**

Thank you. To the motion. Are you ready for the question?

**AN HON. MEMBER:**

Question.

**CHAIRMAN (Mr. Pudluk):**

Question has been called. All those in favour? All those opposed? Motion is carried.

---Carried

Mr. Gargan.

Committee Motion 180-12(2): To Adopt The Legal Text Of The Consensus Report Be Presented To The Assembly

**MR. GARGAN:**

Thank you, Mr. Chairman. Mr. Chairman, I have a motion that the legal text, to provide for a constitutional amendment reflecting the Consensus Report on the Constitution, be presented to the Legislative Assembly for examination.

**CHAIRMAN (Mr. Pudluk):**

Thank you. I believe that everybody has a copy of that motion. To the motion. Are you ready for the question?

**AN HON. MEMBER:**

Question.

**CHAIRMAN (Mr. Pudluk):**

Question has been called. All those in favour? All those opposed? Motion is carried.

---Carried

I believe there is one more motion. Mr. Bernhardt.

Committee Motion 181-12(2): To Adopt Recommendation No. 3 Of Committee Report 18-12(2)

**MR. BERNHARDT:**

Mr. Chairman, I move that the special committee review its mandate, in light of developments to date, and report to the Legislative Assembly during its November Session with recommendations for ongoing involvement in the constitutional reform process.

**CHAIRMAN (Mr. Pudluk):**

Thank you. Motion is in order. To the motion. Are you ready for the question?

**AN HON. MEMBER:**

Question.

**CHAIRMAN (Mr. Pudluk):**

Question has been called. All those in favour? All those opposed? Motion is carried.

---Carried

Does the committee agree that Committee Report 18-12(2), and Committee Report 10-12(2), and Minister's Statement 82-12(2), are concluded?

**SOME HON. MEMBERS:**

Agreed.

**CHAIRMAN (Mr. Pudluk):**

Thank you. What is the wish of the committee? Mr. Arngna'naaq.

**MR. ARNGNA'NAAQ:**

Thank you, Mr. Chairman. If the committee would agree, I would like to deal with Bill 31 and Bill 32.

**CHAIRMAN (Mr. Pudluk):**

Does this committee agree?

**SOME HON. MEMBERS:**

Agreed.

**CHAIRMAN (Mr. Pudluk):**

Mr. Todd.

**MR. TODD:**

Yes, I wonder if it is possible if we could deal with Bill 9, is there some reason why we cannot deal with Bill 9, an Act to Amend the Insurance Act?

**CHAIRMAN (Mr. Pudluk):**

Madam Premier.

**HON. NELLIE COURNOYEA:**

The only reason is that we are trying to get the paperwork that we had finished, if it could be down at the bottom, we can be ready to do Bill 9, as well.

**CHAIRMAN (Mr. Pudluk):**

Does this committee agree that we deal with Bill 31, Bill 32, and Bill 9? Mr. Todd.

**MR. TODD:**

For clarification purposes, are we going to deal with the bill to amend the Insurance Act, or are we saying we are going to delay it? That is all I am asking.

**CHAIRMAN (Mr. Pudluk):**

I think the Premier tried to tell us that. Let us deal with Bill 31, and Bill 32, and put Bill 9 on the third level. Mr. Todd.

**MR. TODD:**

Thank you, Mr. Chairman.

**CHAIRMAN (Mr. Pudluk):**

Is this committee agreed?

**SOME HON. MEMBERS:**

Agreed.

**CHAIRMAN (Mr. Pudluk):**

We will deal with Bill 31.

Bill 31: An Act To Amend The Student Financial Assistance Act

**CHAIRMAN (Mr. Nerysoo):**

Thank you. I would like to call the committee to order, to deal with Bill 31, An Act to Amend the Student

Financial Assistance Act, with Mr. Arvaluk. Mr. Minister.

**HON. JAMES ARVALUK:**

Thank you, Mr. Chairman. Mr. Chairman, the amendment to the Student Financial Assistance Act I am introducing today proposes that the amount of the revolving loan fund be increased from \$11 million to \$12 million in 1992-93, and to \$13 million in 1993-94 and subsequent years.

This increase is proposed to accommodate the steady increase in the number of students with loans for post-secondary studies. In 1988-89 there were approximately 580 students accessing loans, and this year we anticipate approximately 700. It is possible by December, 1992, the loans granted could exceed the \$11 million loan limit.

Thank you, Mr. Chairman.

**CHAIRMAN (Mr. Nerysoo):**

Thank you. Mr. Todd, the Chairman of the Standing Committee on Finance.

**MR. TODD:**

Thank you, Mr. Chairman. The Standing Committee on Finance reviewed Bill 31, An Act to Amend the Student Financial Assistance Act at its meeting on September 16, 1992.

Mr. Chairman, the Standing Committee had no concerns with this bill, and agreed at the time to refer the bill to the committee of whole for consideration.

**CHAIRMAN (Mr. Nerysoo):**

Thank you. What is the wish of the committee, that we go clause by clause, agreed?

**SOME HON. MEMBERS:**

Agreed.

**CHAIRMAN (Mr. Nerysoo):**

Thank you. Clause 1, schedule.

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**SOME HON. MEMBERS:**

Agreed.

**CHAIRMAN (Mr. Nerysoo):**

That concludes Bill 31. Does the committee agree that Bill 31 is ready for third reading?

**SOME HON. MEMBERS:**

Agreed.

**CHAIRMAN (Mr. Nerysoo):**

Thank you. Bill 31, An Act to Amend the Young Offenders Act, No. 2. Mr. Kakfwi.

Bill 31: An Act To Amend The Young Offenders Act

**HON. STEPHEN KAKFWI:**

Mr. Chairman, I am pleased to introduce the Act to Amend the Young Offenders Act. The purpose of this bill is to amend the Young Offenders Act to give the Minister of Justice authority for the entire act.

The Young Offenders Act currently provides that the Minister of Social Services has authority for some matters under the act, and the Minister of Justice has authorities for other matters. With the transfer of corrections services from the Department of Social Services to the Department of Justice, it is now necessary that the Minister of Justice have full authority for administering the Young Offenders Act. This amendment would have that effect. Thank you.

**CHAIRMAN (Mr. Nerysoo):**

Thank you. Chairman of the Standing Committee on Legislation, Mr. Arngna'naaq.

**MR. ARNGNA'NAAQ:**

Thank you, Mr. Chairman. The Standing Committee on Legislation reviewed Bill 32 at its meeting on September 23, 1992. Currently the responsibility for the administration of the Young Offenders Act is shared by the Minister of Justice, and the Minister of Social Services. The bill will amend the Young Offenders Act to remove responsibility for the administration of corrections services for young offenders from the Minister of Social Services.

The bill will make the Minister of Justice responsible for the entire act. The act applies to young persons between the ages of 12 and 18 years, who are charged with offenses. Specific areas of responsibility transferred to the Minister of Justice would include the designation of facilities as place of

custody for young offenders, the establishment of a review board for the review of dispositions, the appointment of a territorial Director, youth workers, and a Youth Justice Committee to assist with the administration of the act, and to provide programs and services for young offenders.

Mr. Chairman, the Standing Committee on Legislation remains committed to a process which involves ready public access and input to proposed legislative amendments. However, this bill reflects a straightforward administrative change which is necessary to give effect to the prior decision of this government to transfer responsibility for corrections services from the Department of Social Services to the Department of Justice.

Although there may be differing philosophies with respect to this transfer, the decision has been public for some time. Accordingly, the Standing Committee on Legislation did not hold public hearings on this amendment. However, we wish to affirm our commitment to the principle that the public should have a voice with regard to the principle, and substance, of any proposed law. As a rule, we will continue to give effect to this principle in the future.

Members of the committee expressed some concerns respecting the extent to which the Department of Justice is prepared to take over corrections services, and the associated responsibilities to youth. Members may wish to comment on these as we proceed with today's review of Bill 32 in committee of the whole.

Generally, however, the standing committee found the amendments, and passed a motion on September 23, to report that this bill is ready for consideration for committee of the whole.

**CHAIRMAN (Mr. Nerysoo):**

Thank you. What is the wish of the committee, that we go clause by clause?

**SOME HON. MEMBERS:**

Agreed.

**CHAIRMAN (Mr. Nerysoo):**

Clause one.

**SOME HON. MEMBERS:**

Agreed.

**CHAIRMAN (Mr. Nerysoo):**

Clause two.

**SOME HON. MEMBERS:**

Agreed.

**CHAIRMAN (Mr. Nerysoo):**

Clause three.

**SOME HON. MEMBERS:**

Agreed.

**CHAIRMAN (Mr. Nerysoo):**

Thank you. That concludes Bill 32. Is it the wish of the committee that we agree that Bill 32 is ready for third reading? Agreed?

**SOME HON. MEMBERS:**

Agreed.

**CHAIRMAN (Mr. Nerysoo):**

Mr. Koe.

**MR. KOE:**

I am not sure where a Member is allowed to make comments if they do not really apply to any of the clauses.

**CHAIRMAN (Mr. Nerysoo):**

That probably was my mistake. However, is it the wish of the committee that we allow Mr. Koe some general comments? Unanimous consent? Agreed?

**SOME HON. MEMBERS:**

Agreed.

**CHAIRMAN (Mr. Nerysoo):**

Thank you. Go ahead, Mr. Koe.

**MR. KOE:**

Thank you. As the Chairman of the Standing Committee on Legislation mentioned, Members of the committee may wish to make comments, and as a Member of the committee, I wish to make a few comments.

One of the concerns that was raised in the discussions at committee level regarding, not necessarily this act, but the transfer of responsibilities from Social Services to Justice, involve the people in the communities, and in the field, who are responsible for young offenders. Currently the workers, the social services workers, or parole officers, whatever their titles are for dealing with young offenders, have the responsibility, in the field, to deal with the act regarding the Young Offenders Act.

Now, with the transfer from the Minister of Social Services to the Minister of Justice, my concern is who is responsible For the workers who deal with the youths that fall under the Young Offenders Act? The Minister of Justice has no responsibilities for our social workers in the communities. I just raise this, because it is something that some of us had concerns about, it was not covered in this amendment, but I assume that it is a concern for future legislation, or the old act involving the Minister of Justice, and the involving the Department of Social Services.

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Again, you have parole officers, or young offenders officers, whatever their titles are, having to report to Ministers in some cases, and I raise it as a concern.

**CHAIRMAN (Mr. Nerysoo):**

Thank you. Any other comments? No? Mr. Ningark, I apologize.

**MR. NINGARK:**

Thank you, Mr. Chairman. Personally, I do not have any problems with the proposed Bill 31, so long as the community justice will be involved. I think we should make every effort to enhance community justice. I understand that, in some communities, Mr. Chairman, we have a justice committee. If this new bill becomes an act, approved by the House, we should try and make sure that community justice committees, or whatever you call it, is involved during the process, whatever the process may be, in dealing with young offenders. That is my concern, Mr. Chairman.

**CHAIRMAN (Mr. Nerysoo):**

Thank you. Any other comments? Mr. Gargan.

**MR. GARGAN:**

Thank you, Mr. Chairman. Just with regard to section 28, 41, 89 and 92, the Minister responsible for Social

Services is changed to the Minister of Justice, but in section 28, Mr. Chairman, the Minister shall designate, by order classes, or places of facilities, that in the opinion of the Minister, are suitable for open custody.

We do not have justice personnel in the communities. So, how are we dealing with this issue? I think it was discussed, Mr. Chairman, in length in the Standing Committee on Legislation. I will refer to 41, too, but I just want to know how, exactly...

**CHAIRMAN (Mr. Nerysoo):**

Thank you. Mr. Kakfwi.

**HON. STEPHEN KAKFWI:**

Mr. Chairman, as the Members know, I have the comfort of having a Deputy Minister sit with me when we are having a discussion on the budget, and that is one of the items that is up for discussion. I know when we are dealing with open custody and corrections in general, and justice issues, we will continue to keep working with social workers and the Department of Justice, particularly seeking their input and advice on issues like this. There is, as the Member knows, an increased interest in many communities to become much more involved in the administration of justice in areas of what would be considered suitable open custody, which will be given a broad and liberal interpretation. Thank you.

**CHAIRMAN (Mr. Nerysoo):**

Thank you. Mr Gargan.

**MR. GARGAN:**

In section 20-89, it says the Minister shall appoint a circle of directors, and then all the social workers would be appointed as directors, for administering the Young Offenders Act. Correct?

**CHAIRMAN (Mr. Nerysoo):**

Thank you. Mr. Kakfwi.

**HON. STEPHEN KAKFWI:**

Mr. Speaker, I think the question is in regard to the way we are going to organize ourselves in the Department of Justice, and I do not think we are taking over the social workers. The earlier question was just suggesting that when the Minister of Justice looks at what would be suitable open custody, that we

would be seeking the advice of people at the community level, one of whom would be the social workers, to help in the making of those designations. That would not mean that social workers are going to become part of the Department of Justice. If there is a position in a Department of Justice, it is going to be Director for Young Offenders, and that would mean someone who is going to ensure that the Department of Justice, in its obligations under being designated the lead agency, ensure that the Young Offenders Act is administered properly, that this Director will take care of that for the Department of Justice.

**CHAIRMAN (Mr. Nerysoo):**

Thank you. Mr. Gargan.

**MR. GARGAN:**

Mr. Chairman, when we dealt with the act itself, questions were asked and we did not quite finish those amendments, when we decided that the Members have problems, then it should be brought up in this House. It just does not make sense like that, Mr. Chairman, when we are in restraint, that we look at whole new amendments to the Young Offenders Act, to give responsibility to the Minister of Justice, when it does make more sense to have that responsibility stay within the Department of Social Services.

I guess that is what I was getting at. how much more money this is going to cost? Has the Minister indicated that it is going to cost perhaps a bit extra to do that? I believe that he said he is going to mentioning it in the O and M, but I wonder how much more that is going to cost us?

**CHAIRMAN (Mr. Nerysoo):**

Thank you. Mr. Kakfwi.

**HON. STEPHEN KAKFWI:**

Mr. Chairman, one of the major considerations that we had when we looked at moving Young Offenders into Justice and Corrections was to, amongst other things, prepare for what we think is an eventuality. We are going to have to sit down with communities and discuss the administration of justice, which in this case, includes young offenders. It should be noted that in many communities, the community leaders, community elders, show a strong interest on their part, to assist courts and deal with young offenders. There is a very strong interest among the people in the communities to lend a hand, and provide

alternatives to judges, and justices of the peace, when dealing with young offenders.

In the case in Fort McPherson, for instance, there is a very high interest on the side of the communities, and they have been doing it, in fact, for well over a year. This is one of the reasons I think that this move was made, but definitely, the social workers will stay involved in this work. Thank you.

**CHAIRMAN (Mr. Nerysoo):**

Thank you. Any other general comments? Probably more, just to indicate that we are going to get into the Department of Justice, where more specific questions can be dealt with at that time.

**SOME HON. MEMBERS:**

Agreed.

**CHAIRMAN (Mr. Nerysoo):**

Are we concluded, then, with general comments?

**SOME HON. MEMBERS:**

Agreed.

**CHAIRMAN (Mr. Nerysoo):**

Is it agreed that Bill 32 is ready for third reading?

**SOME HON. MEMBERS:**

Agreed.

**CHAIRMAN (Mr. Nerysoo):**

Thank you. Dealing with Bill 9. Bill 9, an Act to Amend the Insurance Act. Thank you. Mr. Whitford.

Bill 9: An Act To Amend The Insurance Act

**HON. TONY WHITFORD:**

Thank you, Mr. Chairman. Mr. Chairman, Bill 9, an Act to Amend the Insurance Act, contains two separate amendments.

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The first amendment permits insurance companies to print a limiting clause, that is a specific statement warning consumers of the limit of the policy, if any, on an insurance policy in bold large print at least 12 points in size, as an alternative to the red ink

requirement contained in the act. All jurisdictions have been requested to make this amendment by the Insurance Bureau of Canada, which is an association that represents the majority of general insurance companies in Canada.

The second amendment, Mr. Chairman, deals with an increase to the rate of premium tax, and fire tax, by insurance companies licensed in the Northwest Territories, from two percent to three percent, and one half percent to one percent, respectively. It is anticipated that the increases will generate an additional \$250,000 in revenue for our government.

Those are my opening remarks, Mr. Chairman, thank you.

**CHAIRMAN (Mr. Nerysoo):**

Thank you. Bill 9, Mr. Todd, Chairman of the Standing Committee on Finance.

**MR. TODD:**

Thank you, Mr. Chairman. The Standing Committee on Finance reviewed this bill at meetings on April 1, June 9, June 12, and June 22.

The Standing Committee would like to thank the former Minister, and his staff, who appeared before the committee to answer the questions of the committee on this matter.

Mr. Chairman, this bill would amend the Insurance Act, as the Minister said, to allow insurance companies to use both print of a separate size to warn of the amount payable on their insurance contract.

It also amends the act to increase the insurance premium tax rate from two to three percent, and to raise the fire tax rate from one half percent to one percent.

The Minister informed the committee that these increases would place the Northwest Territories rates in the middle of the pack relative to other jurisdictions in Canada. The department estimates that these increases will provide an additional revenue of \$375,000 annually. Are you listening, Mr. Minister?

Several Members of the committee were concerned that these increases would simply be passed onto the consumer, in terms of higher premiums. This could be interpreted as a hidden tax on the consumer.

The Minister informed the committee that the insurance premiums are set on the basis of accident claim ratio and other factors, and it was highly unlikely that these increases would translate into increases into insurance premiums in the Northwest Territories.

It should be noted, that despite the Minister's assurances, several Members of the committee continue to have serious concerns about these increases, and may wish to pursue them today. Mr. Chairman, the committee agreed at its meetings on September 14, 1992, to refer this bill to the committee of the whole for consideration.

**CHAIRMAN (Mr. Nerysoo):**

Thank you, Mr. Todd. Are there any general comments? Mr. Dent.

**MR. DENT:**

My comments will be kind of anti-climatic following our beloved Chairman's remarks.

---Laughter

Mr. Chairman, I am one of the Members noted in Mr. Todd's statement who opposes this amendment, and will continue to oppose it. Not because I am in any way opposed to allowing insurance companies to use laser printers and not have to put things in red, I do not mind the bold black ink, but, in fact, this is a hidden tax, or this represents a hidden tax, so I am opposed to that type of tax in principle.

Insurance companies are businesses, businesses have to recover the cost of doing business from what they sell. Any cost to the business obviously has to be recovered at some point in time. I have heard the arguments that it is just a small amount, and it is only going to put our rate in the centre of the pack, and that it will not, by itself, cause a premium increase. The bottom line is, at the end of the day, if it is a cost of doing business, any business has to recover that cost, and that means that it is going to have to wind up coming out of premiums. I think that at any time the government wants to tax people, they should be up front about it, and say we are putting a tax on. I do not think that we should try and put taxes on premiums, or taxes on various things, that the consumer may not see. The consumer in this case would not understand that there is a tax being paid from their premiums to the government, they would just see a bill from their insurance company, and

blame the insurance companies for the cost of their premiums going up.

I think it is also important to recognize that insurance is something that not everybody has, but it is something that most people should have. Rather than doing something that would perhaps cause people at the end of the day to determine that they cannot afford to buy insurance, we should be very cautious that would cause insurance rates to increase.

In the event of a disaster, where somebody is burned out of their home, this government will wind up passing the bill through social assistance, if they have not been able to purchase insurance in the long run. I am not sure how much of that \$245,000 or \$375,000 we are going to get back, depending on whose figures you accept this afternoon. I think I heard the Minister say a different figure than what the Chairman of the Standing Committee on Finance said in the opening remarks.

Any tax like this also is not a progressive tax, because it does not reflect on a persons ability to pay. I oppose the tax on those grounds too. It is not like an income tax, which is adjusted as a percentage of income, so that people who are in a better position to pay for something, can pay for it. This one, in fact, hits people who are least able to pay the most.

Mr. Chairman, not to drag this out, after all this is not the Constitution, I just wanted to make sure that the people understand that, on principle, I cannot support this kind of bill.

**CHAIRMAN (Mr. Nerysoo):**

Thank you. Any general comments? Mr. Gargan.

**MR. GARGAN:**

Thank you, Mr. Chairman. The Standing Committee on Legislation has not dealt with this act, we were not consulted about it. Ever since that buffalo incident, my premium has tripled. That means that I am going to have to pay one percent, and I am paying about \$1,800.

I was not aware that this was coming forward. I am just wondering whether, or not, just to get a clarification, Mr. Chairman, I would like to ask our committee Chairman, if he did, in fact, get briefed on this bill?

**CHAIRMAN (Mr. Nerysoo):**

If I could call the committee to order for a second, and indicate that the normal process now is that most

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financial bills, or all financial bills, with agreement, go to the Standing Committee on Finance. That is a normal practice that has been agreed to. Also, it is not normal for us to be questioning other Members that are not even on the Standing Committee on Finance. It would be different if you were directing this question to the chairman of the Standing Committee on Finance. Mr. Gargan.

**MR. GARGAN:**

Mr. Chairman, I do not know whether I am sleeping or awake, but I am not too sure whether I was doing my duties as a Member of the Standing Committee on Legislation, or whether I was absent when this was dealt with. It does not seem that, it is not something that the standing committee dealt with, but I do not feel I should support this amendment. Thank you.

**CHAIRMAN (Mr. Nerysoo):**

Thank you. Are there any other general comments? Mr. Koe.

**MR. KOE:**

I, too, would just like to reiterate my concerns that other Members have made, the chairman of the Standing Committee on Finance, and Mr. Dent, regarding another added cost to small business, or any business. Reading the budget speech, I note that there are other tax increases that are coming on stream, it concerns me that we keep adding taxes, and eventually we are going to tax everybody out of business.

We have to be aware, we keep saying that small businesses, especially small businesses, are the backbone of our economy, as they hire a lot of people. If we keep taxing them, pretty soon they are not going to be there to tax. I just want to raise that concern.

**CHAIRMAN (Mr. Nerysoo):**

Are there any other general comments? Mr. Patterson.

**HON. DENNIS PATTERSON:**



Mr. Chairman, I just want to make some comments, because I was responsible for originally introducing this bill, and presenting it to the Standing Committee on Finance. I will take the liberty of making some comments.

Mr. Chairman, as I said when I introduced the bill, at that time, it is easy to assume that a small percentage increase in the premium tax in the Northwest Territories, will automatically translate into increased premiums rates. Premiums, and I think I explained this to the committee at the time, are set, based on a much larger area than the Northwest Territories. They are set by these large, sometimes multinational insurance companies, and there are a whole range of factors that are taken into account.

One principle factor is the lost rate, or the accident rate, and I think it is fair to say, although no one can predict for sure, it is unlikely that a small adjustment in the tax rate in our very small jurisdiction, is going to have an impact on premiums that are set by national companies for much larger areas than the Northwest Territories. You know, our population is relatively small when you look at the size of these insurance companies.

So, I would not want the public to assume that there is going to be a direct correlation between premium costs, and this tax. In fact, if loss rates go down nationally, we might well have a reduction in premiums. Or, if they go up nationally, we might have an increase in premiums quite apart from this relatively small factor of the premium tax.

So, I do want to repeat what I said in introducing this bill, that the N.W.T. is a small part of a very much larger country, and jurisdiction, and it is simplistic to suggest that this adjustment is automatically going to be passed onto our consumers.

Mr. Chairman, I would just also mention that we get requests for additional spending in this House from ordinary Members, and the government has to try to respond where ever possible, and so it is incumbent on us to come up with what we think are reasonable sources of revenue, and this one seems reasonable. Yes, there are some risks, but people who buy insurance on new buildings, houses, or cars, they may have money to do so. I am not sure that when you recognize that we are facing declining revenues, and increasing demands for services, I would hope Members would put this request in the proper perspective, you cannot always ask for more

programs and services, and, yet, turn down every revenue initiative that the government brings forward.

So I would hope that it can be considered in that context, that sometimes we have to make decisions that may appear to add a burden, although I am not sure that is the case. Sometimes we have to act responsibly, and make some difficult decisions. Thank you.

**CHAIRMAN (Mr. Nerysoo):**

Thank you. Are there any general comments? Mr. Pudluk.

**MR. PUDLUK:**

Thank you, Mr Chairman. I do not want to slow this committee business down, but before we go into this clause by clause, I see something that I have difficulty with.

Unless these are new reading glasses, there is no translation into Inuktitut, and I know I can go along, but my colleague over there might have a little problem. Thank you.

**CHAIRMAN (Mr. Nerysoo):**

Thank you, Mr. Pudluk. I will make sure that we do not proceed with clause by clause, until Mr. Pudluk has a copy of the translated version. I will proceed, though, with general comments, if you do not mind. General comments, Mr. Todd.

**MR. TODD:**

Thank you, Mr. Chairman. I would like to say that I have never viewed my colleague Mr. Dent's comments, or concerns, as simplistic, however, the former Minister seems to assume that is the way he is.

The fact of the matter is, if he is prepared, the former Minister who seems to want to talk to this issue, to take the position there will be no increase to the consumer, has he also prepared to take the responsibility if there is an increase to the consumer?

I mean, if he feels so strongly about it, there are two ways of looking at it. Perhaps Mr. Dent's concerns are as legitimate as the Minister's, or the former Minister's, comments with respect to this bill.

I, for one, am prepared to support it, and was prepared to support it, and will continue to support it

at this time, and I would hope that other Members of the committee would see it that way. I think it is important, however, to point out that the committee legitimately is concerned that this is viewed as a hidden tax, and, in fact, for what it is worth, we are concerned that it may be passed onto the consumer. We are equally concerned that with the increase of costs what with W.C.B., which we will be addressing next week, or anything else that goes on here, in these difficult times causes the small business, and big business, to be legitimately concerned about increases in costs.

I would have thought the former Minister would have felt the same way.

**CHAIRMAN (Mr. Nerysoo):**

Thank you. Mr. Whitford.

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**HON. TONY WHITFORD:**

Thank you, Mr. Chairman. I guess I cannot argue with Mr. Todd's, and other's concerns, that this may be passed onto the consumer, but I, for one, certainly could not guarantee that it will not be. Mr. Chairman, the last increase was 1976. That is 17 years that have gone by, and there has not been an adjustment to this rate at all. This merely puts us in line with other provinces, as a matter of fact, other than Ontario, we are the lowest in the fire tax area, and it is not out of line at all to view this as a normal process. Insurance rates have gone up even without this over the years, and there have been substantial increases, and it is not attributed, certainly, to an amendment such as we are making.

Again, I support it, and I would encourage other Members to support this as well, although I cannot guarantee that there is going to be an increase. As Mr. Patterson said, the rate increases or decreases are factored on a fairly complex formula, and certainly one of which is the loss that insurance companies have to pay out to premiums.

If you are accident prone, or have more losses, then that is when the increases will come to the consumer. On a global scale it is not an unusually high amount, and it certainly is not one that we should be afraid to introduce.

**CHAIRMAN (Mr. Nerysoo):**

Thank you. Mr. Dent.

**MR. DENT:**

Thank you, Mr. Chairman. I am not sure that it is overly simplistic to assume that an increase that is going to take \$375,000 out of the pockets of insurance companies, is not going to affect their cost of doing business, and therefore, have to be recovered.

Now, whether that is recovered entirely from the Northwest Territories, or also from the pockets of some of the consumers down south, is not a big factor. It is still going to have to come back to haunt some of the people here in the Northwest Territories.

I do not think it is simplistic to say something that is going to get \$375,000, is not going to have some effect. It is the cost of doing business, it has to be recovered, the insurance companies have shareholders that they have to provide profits to, and they have to make sure that they cover all their costs before they are going to see any profits.

So, it is not simplistic to say that it is not going to effect the rates here. It will affect the rates here. It has to. I think it is also simplistic to suggest that every revenue initiative that is suggested to this House will be turned down. I think in my opening comments I mentioned that I thought it was only fair that a government that wants to take in some tax revenues, say that they are taking in tax revenues, and be up front about it, present us with that kind of initiative, and see whether, or not, it gets turned down.

The other thing that I would like to comment on, is this argument that there has not been a rate increase since 1976. Well, does that mean we should increase the rates every year, as they go along? Maybe we should call it a fee, instead of a tax. If we increase it every year, in a hundred years, the fee, or tax, becomes 100 percent of the premium. The purpose of putting a percentage on, in the first place, was that you would see your revenues increase as the cost of the premiums increased, that, right there, gets you your automatic increase. There is not an argument for increasing the percentage taken each year.

I do not buy any of the arguments, and I will, still, oppose this bill.

**CHAIRMAN (Mr. Nerysoo):**

Thank you. Any general comments? Mr. Lewis.

**MR. LEWIS:**

Yes, just a very simple one, Mr. Chairman. I know, from experience, that the rates of insurance go up, and up, all the time, without any explanation, without any indication that the hikes are justified. Just for the interest of Members, you can visit any big city in North America, and on every street corner in the most important intersections you find a building that houses an insurance company, the fanciest in town.

I never hear of any of them going bankrupt, yet we continue to accept increasing rates, year after year, and we are not prepared to tell them that they really should be paying a little more of their share for doing business in the jurisdiction that gives them their income. Anything like this, which is a revenue initiative, we get so few ideas from governments, on how you can get money to spend. All we seem to do is spend money, we never seem to find ways of finding revenue, that seems to be one of the things that we are bad at, finding revenue.

Even though this will not provide an awful lot, I have always thought that insurance companies are one of the big mysteries of our age. How they seem to get bigger and bigger, get fancier and fancier buildings, buy more, and more real estate, and never seem to go bankrupt. They all seem to thrive. I suspect it is because they do not pay their way. Thank you.

**CHAIRMAN (Mr. Nerysoo):**

Thank you. General comments. Mrs. Marie-Jewell.

**MRS. MARIE-JEWELL:**

Thank you, Mr. Chairman. I have to concur with my colleague from Yellowknife south. I, too, have a difficulty with this particular bill, and I expressed a lot of my concerns in the Standing Committee on Finance. I want to indicate to the Minister, as I have indicated to the previous Minister, that I believe that this is a tax grab, in a very sly way, if I may use the term.

Mr. Chairman, I am just going through the actual department's budget very quickly to see, for this amount of funding that is going to be raised, how much it is costing the department in respect to this area. I do not believe that there was any increase that even justified the need for this percentage increase for premiums. I felt, and I still feel, that because of it being a revenue initiative, that it should go through the Department of Finance, through the budget, as part of the overall government's revenue

initiative process, as opposed to wanting to amend one type of act just to increase funding.

Now, I am concerned that if we look at this particular amendment to this Insurance Act, what other types of acts will be amended accordingly, to look at bringing in revenue initiatives for the government overall. I have to just echo the concerns of some of my colleagues, that this particular act, the process used for this particular act, certainly was not appreciated. It is an initiative to raise revenue, and it is not looked at as an initiative like when the government wants to raise liquor tax, or whatever types of revenue initiatives that they take upon themselves.

I have unequivocally stated, in the Standing Committee on Finance, that I do not agree with this bill. I have not seen any significant changes that would allow me to agree with it, so therefore, I just want the committee to note that this amendment on the Insurance Act is not acceptable, and I will be voting against it. Thank you.

**CHAIRMAN (Mr. Nerysoo):**

Thank you. Any general comments? Mr. Gargan.

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**MR. GARGAN:**

Thank you, Mr. Chairman. Just to follow up on what Mr. Lewis said, I am not too clear on how insurance companies operate. It used to be that, Mr. Chairman, I used to get my windshield changed every year, and for the last ten years I have been changing my windshield because of rock damage. During the last two years, Mr. Chairman, my premium has gone higher than the cost of the windshield itself, so I am not buying any more windshield insurance. It is not worth it, because my premium is higher than the windshield, itself.

I could not figure out the insurance company at that time, because I thought that, by driving in a safe condition, by replacing my windshield every year, that I am doing a favour to the insurance company, but they do not look at it that way. I have not bought any windshield insurance since. Thank you.

**CHAIRMAN (Mr. Nerysoo):**

Any other general comments? Is it the wish of the committee that we deal with the bill clause by clause? Agreed?

**SOME HON. MEMBERS:**

Agreed.

**CHAIRMAN (Mr. Nerysoo):**

We will deal with it clause by clause. Bill 9, An Act to Amend the Insurance Act. Clause one. Agreed?

**SOME HON. MEMBERS:**

Agreed.

**CHAIRMAN (Mr. Nerysoo):**

Clause two. Agreed?

**SOME HON. MEMBERS:**

Agreed.

**CHAIRMAN (Mr. Nerysoo):**

Clause three. Agreed?

**SOME HON. MEMBERS:**

Agreed.

**CHAIRMAN (Mr. Nerysoo):**

Clause four. Agreed?

**SOME HON. MEMBERS:**

Agreed.

**CHAIRMAN (Mr. Nerysoo):**

Clause five. Agreed?

**SOME HON. MEMBERS:**

Agreed.

**CHAIRMAN (Mr. Nerysoo):**

The bill as a whole? Agreed?

**SOME HON. MEMBERS:**

Agreed.

**CHAIRMAN (Mr. Nerysoo):**

Thank you. Does this conclude Bill 9? Mr. Koe.

**MR. KOE:**

Mr. Chairman, it is not a point of order, but a point of clarification. How many nays do you need to nay a clause? I am confused.

**CHAIRMAN (Mr. Nerysoo):**

Thank you, Mr. Koe. It is a matter in the parliamentary process to shout as loud as you can in nays or yeas. The other point is that there are procedural matters that can be used in reviewing clauses of the bill, and certain options available to you that could be considered. Coming into force, for instance, or for that matter, deferring third reading, or the implementation, those are all part of the rules of this House, and they can be used in your interests, if that is what you wish to do. There are procedural opportunities for you to use. Mr. Koe.

**MR. KOE:**

Another point of clarification then, Mr. Chairman, by you saying yea, as Chairman, does this mean that this bill is now referred to committee of the whole for third reading?

**CHAIRMAN (Mr. Nerysoo):**

I have not concluded, yet. I have not heard any amendments, or any motions, or anything of that particular nature. If you wish not to proceed with the bill as a whole, I believe that a motion could be considered. I would have to review the motion, appropriately. If there was concern with regard to the bill, proceeding any further, or proceeding beyond third reading, as I indicated, there are procedural opportunities for Members to consider, even if approval has been given at this particular juncture. Mrs. Marie-Jewell.

**MRS. MARIE-JEWELL:**

Mr. Chairman, I believe, and you can correct me if I am wrong, that it is the Member's prerogative to be able to vote against when it comes to third reading of that particular bill, and that may be the opportunity for Members that are concerned about it, if they want to look at possibly defeating the bill. Am I correct with that? Thank you.

**CHAIRMAN (Mr. Nerysoo):**

Yes, that is one of the options, and there are several other ones that could be considered. If you wish not to proceed at this particular juncture, that is up to you with consent. I am going to call, we have concluded the items. One other option that was available to

Members is motions to amend the clause, that was another option that could have been considered. Mrs. Marie-Jewell.

**MRS. MARIE-JEWELL:**

Mr. Chairman, there appears to be some concern particularly in clauses 3 and 4 of Bill 9. We are just seeking clarification because the amount of nays on this side of the House, in respect to those two particular areas of concern, as to what procedures are available to us to defer it. I am just asking whether, or not, we should consider looking at a motion to defer clause 3 and 4, until a later date. The other option, as I said earlier, can be that we can vote against it, when it comes to third reading of that bill.

Can I seek indulgence from the Chair, as to clarification on our concern? Thank you.

**CHAIRMAN (Mr. Nerysoo):**

I got to clause 5, and we agreed that clause 5, had not been called yet. I am sorry that I am taking so long, but normally those considerations should have been given prior to the committee. I will take a five minute break to give all Members an opportunity to review their options.

---SHORT RECESS

**CHAIRMAN (Mr. Nerysoo):**

What is the wish of the committee? Mrs. Marie-Jewell.

**MRS. MARIE-JEWELL:**

Thank you, Mr. Chairman. Due to the time frame that it will take to change the amendments at the appropriate translation, I would like to propose that we move to defer this bill, to be discussed at a later date. Thank you.

**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? Motion is carried.

---Carried

What is the wish of the committee? Mr. Todd.

**MR. TODD:**

Mr. Chairman, I wonder if we could move to the budget, the Department of Justice.

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**CHAIRMAN (Mr. Nerysoo):**

Is it agreed that we deal with the budget, and the Department of Justice? Agreed?

**SOME HON. MEMBERS:**

Agreed.

**CHAIRMAN (Mr. Nerysoo):**

Thank you. Mr. Kakfwi, is it your wish that we invite in the witnesses?

**HON. STEPHEN KAKFWI:**

Yes, Mr. Chairman.

**CHAIRMAN (Mr. Nerysoo):**

Thank you. Is the committee agreed?

**SOME HON. MEMBERS:**

Agreed.

**CHAIRMAN (Mr. Nerysoo):**

Thank you. I call the committee to order. Mr. Kakfwi, Mr. Minister could you introduce your witnesses, please?

Department Of Justice

**HON. STEPHEN KAKFWI:**

Yes, Mr. Chairman, I have the Deputy Minister of Justice, Mr. Bickert, and the Acting Director of Finance, Mr. Rudolph.

**CHAIRMAN (Mr. Nerysoo):**

Thank you, Mr. Minister. Are there any other general comments? Mr. Minister.

**HON. STEPHEN KAKFWI:**

Mr. Chairman, just to ask the Members of the Legislature, in the committee of the whole, if it is at all possible, to continue with the Department of Justice. If we could conclude it today, it would assist, as there is a regional workshop happening in Fort Simpson, for the Deh Cho region, and they have requested and planned for the Deputy Minister to attend, so just to keep it in mind, if that was possible. I was going to suggest that, in keeping with the Members comments, many times, that justice should be done, and it should be done today. Thank you.

**CHAIRMAN (Mr. Nerysoo):**

Thank you, Mr. Minister. You can leave that up to the judge in this corner of the room. We will try to ensure that justice is, not only being seen to be done, but being seen.

Thank you. I would ask again, honourable Members, when making general comments, deal with them in that context of being general comments, and if there are any specific issues, we will deal with them in the departments, where the program areas are to be dealt with.

Are there any general comments? Mr. Gargan.

**MR. GARGAN:**

Mr. Chairman, the whole issue of the document that was done with regard to the administering of aboriginal justice. One of the initiatives was done in the Deh Cho region, and started quite some time ago, but the department has always found ways of trying to not support, or even delay, the process. In August, I received a phone call from the tribal council to indicate that, the conference that I was supposed to attend, I think it is on this week, was something the department had a lot of difficulty with. It was expressed by Alison Jumbo that one of the conditions was that the department be involved with that initiative.

I do not know what the circumstances were, but there seemed to have been an indication by Alison, at that time, that the department was very reluctant to support the initiative by the Deh Cho Regional Council.

I would like to get some clarification on what has been happening with regard to the proposal for youth, the justice youth centre, the forum for justice and legal issues.

**CHAIRMAN (Mr. Nerysoo):**

Thank you. Mr. Minister.

**HON. STEPHEN KAKFWI:**

Mr. Chairman, what I understand about this content from one individual, according to my information, is that it has been largely addressed. There was a sense from one individual that earlier in the year, there was not enough commitment or cooperation from our officials, but in regard to the planning and the development of this particular workshop, to my knowledge, all the concerns that were expressed earlier in the year, have all been addressed. We have been fully involved in helping develop and plan for this workshop. We have committed some money, and we are, as I indicated earlier, participating fully in the conference, and that has been resolved.

There is another side issue, which was raised, which is in regard to trying to, on the short-term, get different types of commitment assurances to a project that has not been fully developed, or discussed. I think that, as well, is still being addressed. I think the concerns have been expressed a few months ago, and I think, on a large part, have been addressed. Thank you.

**CHAIRMAN (Mr. Nerysoo):**

General comments. Mr. Gargan.

**MR. GARGAN:**

Just one other concern, was for the region to address the role of the justice issue to have a forum to address it then. I believe the department was against that. Basically, in order for the region to address the whole justice issue and deliver a proposal that is reflective of that region, that was required. That was where the difficulty was.

**CHAIRMAN (Mr. Nerysoo):**

Thank you. Mr. Kakfwi.

**HON. STEPHEN KAKFWI:**

Mr. Chairman, I was of the view, even a year ago, when the first workshop, or conference, was held on justice, that this department was fully involved and supportive, and helped organize that particular conference, and that this was a follow-up workshop to deal more fully with different aspects of questions or concerns on justice from the region, and that this, again, was something that we fully support, and are engaging in.

I think that all the Members will appreciate that it is a huge monumental undertaking, but one that deserves full support from all of us because it does signal that people are prepared to work together. To address how, as community people, different agencies in the community, and the government, can work together so that people understand what is entailed in the administration of justice, and how it could be, with the communities involvement and support, changed to make sure communities are involved in the administration of justice.

So, I understand the statement, but I believe it has worked out positively, and I think all the participants, including the government, are looking forward to a few very productive days in Fort Simpson starting tomorrow. Thank you.

**CHAIRMAN (Mr. Nerysoo):**

Thank you. Are there any other general comments? General comments. Mr. Gargan.

**MR. GARGAN:**

Just a remark to the Family Law Review Committee, Mr. Chairman. I would like to ask the Minister, what is the status of that? This has gone on now for about four years. We have gone through a number of consultants, and we also have gone through a lot of turnovers in committee members. There must have been a substantial amount of money that has cost this

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department with regard to that, and I am just wondering what has been happening with that, since one of the mandates was to review the custom adoption, and it has not seemed to have accomplished anything. In my opinion, it has not.

**CHAIRMAN (Mr. Nerysoo):**

Thank you. Mr. Minister.

**HON. STEPHEN KAKFWI:**

Mr. Chairman, the report, the Family Law Review Report, is now available, and as I said a few days ago, I reviewed it, and it is a very positive report that has had the full involvement of all the aboriginal organizations. We have put a great deal of hard work into the recommendations, and I think it reflects, in many cases, the views that many of the Members of this Legislature have expressed over the years, that the changes made in many areas of justice as they

have been suggested, and the report will be made available to the Members informally, since it is not ready for tabling.

We will make it available immediately to the Members. I have no idea what the cost is, but I know following the completion of a contract a couple of years ago, it has been done with minimal costs since then to complete the report. Thank you.

**CHAIRMAN (Mr. Nerysoo):**

Any other general comments? Mr. Koe.

**MR. KOE:**

Just a quick one in reviewing the narrative that is included in the budget document under the Department of Justice. I note that under several activities, the department uses the words that the decreases and dollars or budgets were due to government reduction exercises, and I am not necessarily questioning these reduction policies, I think it is a reality of life. It is not fiction, and the programs that are cut and reduced are departmental, or government decisions, and I know some reductions were made, because of lack of budgets. I do not think it would necessarily be reflected in your statements of what you are proposing to do. I tried to glance through the rest of the budget document, and very few other departments use the language that has been used here.

I raise it as a personal concern. It is something that is done across the territories, but I do not think that the programs that were cut necessarily were the ones that were cut, not because of budget restraints, but because of the decisions made within the department or within the government.

**CHAIRMAN (Mr. Nerysoo):**

Thank you. Mr. Kakfwi.

**HON. STEPHEN KAKFWI:**

The Member is correct, as I understand it. Some of the reductions that are in the budget are due to decisions of the management. They are all internal, and they are just flags, so that the Members can be aware of them, and debate them as they please. Thank you.

**CHAIRMAN (Mr. Nerysoo):**

Thank you. Any other general comments? Mr. Zoe.

**MR. ZOE:**

Mahsi, Mr. Chairman. Mr. Chairman, when we were dealing with the Department of Education a few days ago, I noticed my friend was listening eagerly when I was making comments in regard to the current education system, that it was not meeting our needs, or the needs of the people of the territories. I think it is reflected in this department, too.

I just want to make a few comments about the justice system. In my view, Mr. Chairman, a lot of people are frustrated, and when you talk about justice system, it is not really serving the people to its fullest potential.

A lot of aboriginal people have begun to see the justice system as foreign, and I think that my colleague from Deh Cho has always made that reference. It is foreign and unresponsive to the needs of the Dene, and also to the Inuit. The system does not reflect our culture.

I must also say, as well, that there have been many concerns about the way that aboriginal offenders are dealt with in our territorial corrections system. I agree with my colleague, from the Keewatin central, when he made comments to that effect. The correctional system in the territories is not really working, and, in my view, it is because it is too institutionalized and there is not enough happening at the community level to rehabilitate the offenders, and also to prevent crime.

More important, however, there is a need to recognize that the long awaited changes in our national Constitution will finally mean that progress can be made, especially if aboriginal self-government is entrenched. The most awaited areas of self-government will be with respect to the making and enforcement of laws. This will be a challenge faced by our Department of Justice if this thing goes through in the Constitution.

We need to be getting the source in place and developing a framework that will allow this jurisdiction to move swiftly in the direction of true aboriginal self-government. I think that the department has to start looking at developing the framework now, because, in my view, if the referendum goes through, the department will have no choice but to start looking at that.

When I look at the departmental budget that is before us, I cannot see that need reflected in the way that the department is organized, nor the way the

estimates are projected. I want to ask the Minister to comment on whether this is a budgetary framework that will allow us to participate fully in the constitutional transition that is in the horizon.

**CHAIRMAN (Mr. Ningark):**

Thank you, Mr. Zoe. Mr. Kakfwi.

**HON. STEPHEN KAKFWI:**

Mr. Chairman, the comments by the Member are very welcome. I have no doubt that the way that Members want us to go, is to go in the direction that has been suggested by this government, which is we take, borrowing from the Constitution, a broad and liberal approach to the development of community governments, and use that approach when we go to communities to develop the transfer initiatives.

As the Member says, the source of the problem has to be addressed. The fact is, I think all of us agree that aboriginal people of the north have been devastated by insensitive governments for far too long, by the imposition of foreign lands and institutions that, I think, have alienated the values of aboriginal people in the conduct of things like the courts, and the implementation of correctional services.

It is my view, that the approach that the Department of Justice is taking now, which is also being taken by the federal Department of Justice, is to go to communities and discuss with them what they would like to do in the area of justice. To work with the community to jointly develop understandings, and approaches, to how communities can get more ownership, and involvement, in the administration of justice.

We point out, for instance, that in places like Fort McPherson, the community has set up a council, from the community, of people who sit with the judges and the J.P.s to help in the sentencing of young offenders. There is a move in that direction, beginning in Fort Good Hope, there is a workshop starting tomorrow in Fort Simpson, where people will look at all those

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areas to see what they are prepared to begin working on. That is the way we are going to go.

I am not, in any way, feeling ownership of the way government has operated. I think all of us here, including the officials of the departments, are



expected to support the types of changes being advocated by the Members, and by the government. That is, corrections is not one that the aboriginal people feel is relevant or useful, a poor choice of words, but really, corrections can be better handled.

We do that by talking to the communities directly, and getting their input into helping us design the administration of justice. The courts, the sentencing, policing, are some of the areas that we have made overtures to communities, suggesting that we need their ideas on how we can make improvements and changes to these different parts of justice, presently handled by the department.

Moving corrections into justice is quite in line with that. Where, traditionally, these have all been different aspects of justice, we are making the offer to communities by having it all under the Department of Justice. Communities do not have to necessarily see all of these things as separate little components, that they will have the opportunity to put them together in a framework. The framework will grow from there, with the assistance and input from communities.

We are not going to develop the framework in the absence of communities. I think that is the response. Thank you.

**CHAIRMAN (Mr. Ningark):**

Mahsi. Mr. Zoe.

**MR. ZOE:**

Just to comment on the Minister's comments. In regards to the budget, though, what I have indicated is, that I do not see the budgetary framework in front of us that would allow us to do that. I understand that the framework would have to be developed by the community, but I am saying that this year's current budget that we are discussing here, I do not see it in here. It is not reflected in the current budget that is in front of us.

**CHAIRMAN (Mr. Ningark):**

Thank you. Mr. Minister.

**HON. STEPHEN KAKFWI:**

Mr. Chairman, the reason for that is because we have no indication, yet, from communities as to what type of resources, or dollars, they may want in order to get into this exercise. So far, it has been the Department of Justice operating on the approach that, for

instance, working towards justice committees, youth justice committees, in the communities is just sitting down with interested concerned people at the community level. Just by having discussions, without any immediate need for any money, we are doing it that way, and when, and if, there is some concrete indication of money that has been proposed by communities to assist with these projects, and if we agree that it is a practical way to continue the work, then at least it will start to show up right now.

Under the present budget, the Member is right. This budget just reflects what we need to run the system as it is now, and I think that the Member will realize that most of our money is in corrections, in policing, that when the communities look at corrections, eventually they will realize how much money is being spent in that area. I think that will help in our discussion about how communities can, perhaps, take care of what we are providing in corrections right now, as in the incarceration of the people, and the care that we are trying to provide to young offenders. As communities assume responsibility and authority over these areas, the budget will change to reflect that.

**CHAIRMAN (Mr. Ningark):**

Thank you. Mr. Zoe.

**MR. ZOE:**

Thank you, Mr. Chairman. I want to continue on with my general comments, and spend a little bit more time because there are a number of comments to be made about the budget before us.

Again, these are points that I find, myself, repeating, year after year, each time another Minister of Justice appears before this House with the appropriation bill.

One thing I have spoken about previously, Mr. Chairman, is the fact that in many ways the justice system seems to be established to mystify the people involved, rather than ensure that they are well served by it.

I brought this issue up way back in 1988, if my memory serves me well, it was around February 25. At that time, Mr. Chairman, I commented on that, because a lot of my constituents do not speak English, they cannot understand what happens when they are served with court documents.

If you are summoned, and do not appear in court, you could be charged whether, or not, you understand the notice that was served on you. At that time, there

were a number of instances in my communities where aboriginal people -- specifically Dogrib speaking people -- who had encountered legal difficulties in this area.

Mr. Chairman, I do not believe that this situation has improved very much since I raised the issue. With all these same communication problems, with the process that occurred with the Kitty Reynolds case, even the Minister's own special advisor on gender equality has recognized that this is a problem.

I would like to quote from her report, which the Minister has now tabled in the House, "As with many other types of professions, the law has developed a language that is particular to it. In some ways, this is understandable, and almost unavoidable. However, it creates immense difficulties for those who do not understand legal language, and for those who must interpret proceedings into other languages. It is difficult to teach lawyers and others who use legal language to leave the habit behind. However, the use of a plain language in the court room must be encouraged, and at times, demanded."

Mr. Chairman, this problem is not only the problem of the justice system in the Northwest Territories. I know that this was something considered by the world commission on the Donald Marshall prosecution in Nova Scotia. One of their findings was that, and I would like to quote from that report, "In our view, native Canadians have a right to a justice system that they respect, and which has respect for them, and which dispenses justice in a manner consistent with, and sensitive to, their history, culture, and language."

I also would like to note that the number one recommendation in the report of the British Columbia Justice Reform Committee was that the Provincial Attorney General should establish a senior level policy making plain language committee.

This committee was supposed to work with lawyers, the judiciary, and the government, in developing a strategy for the implementation of plain language in the justice system.

Mr. Chairman, I believe that our Minister of Justice should be taking the lead role in working towards a plain language approach within our justice system. Again, I do not see how this particular budget sort of

initiative. I wonder if the Minister can comment on what I just said.

**CHAIRMAN (Mr. Ningark):**

Thank you. Honourable Minister.

**HON. STEPHEN KAKFWI:**

Mr. Chairman, one of the personal difficulties that I have had since assuming this department, and in particular, in responding to concerns and questions by the Members, is that I am trying to avoid sounding like I am going to brag, that now that I am the Minister of Justice, I am going to do all these great things. The fact is, I think most of the Members have made those views known very well, and I have taken at least one occasion to reiterate that is what I intend to do. The missing element, I think the Member is right, as long as we sit back and we comment, then nothing is going to happen, if I do not do something, and the Member does not get actively involved, three years from now, he is going to be reading off his comments he made just now, and saying nothing has happened. What has to happen, and we could do this almost immediately, if the Member wants to invite us, myself as a Minister and the department officials, to go to his constituency, to his communities, and begin meeting with the Dogrib communities to hear their views and help them address their concerns in regard to the delivery of justice, the administration of the justice system. We can do that right away. That is the thing that is very necessary, so I extend the offer to the Member, that we should do that and we should begin as soon as possible, so something will be done in the next couple of years. Thank you.

**CHAIRMAN (Mr. Ningark):**

Thank you. Mr. Zoe.

**MR. ZOE:**

Mr. Chairman, I accept the invitation, but it is not only in the Dogrib communities that we are having the problems, in terms of trying to simplify the legal terminology and so forth. This initiative should be carried out by the department, right across the territories, not only in my region. The department should be taking the lead role in working towards a plain language approach within our justice system.

**CHAIRMAN (Mr. Ningark):**

Qujannamiik. Mr. Minister.

**HON. STEPHEN KAKFWI:**

I agree to work with that. Aside from just making things simple, the fact is, the system is still going to stay the same. I think the Member has to understand that, in my view, I do not think that the Department of Justice, or officials in government necessarily see this as their system. It is just a system that is here, and there is a need for change. I think the department, the communities and this Legislature all recognize that.

The recent constitutional discussions all reflect that. Politically everybody accepts that there is a need for profound changes in the relationship between aboriginal people and the governments of this country.

Again, I think it is important, it is critically important that we recognize we cannot really make any changes until we engage the community in a partnership. I cannot, as Dene as I am, pretend to say that I know exactly what Dene want out there. I can sit in Yellowknife and conceive a plan as to how changes should be brought to communities. The best foolproof approach to making changes that are going to be wholly accepted and endorsed by communities, is if we do it in partnership with them. That is why the budget, as I say, is to maintain the present system of budget. The communities will know that when we get into discussions with them, that budget is there, and part of the community transfer initiative talks, the talks on community self-governments will provide to communities the knowledge and the offer that it is all up for discussion and that they will have the major say in the allocation of resources, and how things will be designed. Thank you.

**CHAIRMAN (Mr. Ningark):**

Qujannamiik. Mr. Zoe.

**MR. ZOE:**

Mr. Chairman, I understand what the Minister is trying to say, but if you look at your current budget, even though you want to pursue these initiatives through your other hat, Intergovernmental Affairs, we still need resources to carry out these initiatives. I do not see it in either this department or the other department that you are the Minister for. Where are you going to get your resources to undertake this work. That is what I am trying to figure out. If you are going to undertake this type of initiative, where are you going to get your resources from, especially when you are going to

have community involvement, getting their views, etc. It all costs money. How are you going to manage to do that. I do not see it in the department's budget.

**CHAIRMAN (Mr. Ningark):**

Qujannamiik. Mr. Minister.

**HON. STEPHEN KAKFWI:**

Mr. Chairman, if the Members felt we had to show a particular dollar figure to communities before we go and talk to them, I am sure it can happen. The problem is that communities will be somewhat distracted by the amount of money we offer because who is going to make that guess. Who is going to make the suggestion that in order for communities to take over justice, here is a \$1 million available for all of the communities of the Northwest Territories. That is not going to be realistic. Politically, it could be very much of a distraction. In my view, as we get into the discussions on communities, for instance, assuming more responsibility in the area of justice, that following consultations which would be extensive and does not cost a great deal of money, that these figures will start to show up, perhaps even through a supplementary estimate. At this time, we are not in a position to do this. The Member should be assured that this is not a sign that we are not committed at all to this effort. In fact, it should be understood that what we are saying is very serious. The Members are almost unanimous in their view that a massive change, great changes have to be made in the area of justice. We have taken that view. We are also of the view that we cannot realistically give you a dollar figure to go in it, because we have not talked extensively to communities, yet. We have done some work in organizing workshops, in having meetings with communities and we have done it internally with just the staff and the staff budget that we have. When we start to hit new and extraordinary costs, then these will start to be placed in front of the Members. Thank you.

**CHAIRMAN (Mr. Ningark):**

Thank you. Mr. Zoe.

**MR. ZOE:**

Mahsi. Mr. Chairman, I will conclude my general comments now but I have a number of points, specific points, I would like to raise when we go line by line. Mahsi.

**CHAIRMAN (Mr. Ningark):**

Thank you, Mr. Zoe. I believe I have Mr. Bernhardt.

**MR. BERNHARDT:**

Thank you, Mr. Chairman. Like my colleague, from Fort Providence, I too, Mr. Minister, have a concern about native custom adoptions.

Being a social worker for many years, I have assisted many parents in custom adopting children. I find it sometimes very difficult to load all of the necessary forms, so that it can go before the court system for final approval. Ten years, or fifteen years later down the road, I begin to see that many of these native custom adopted children have become victims of the law, not through their own circumstances.

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Do we really look at what kind of guidelines we are using? Are the adoptive parents able to provide food, shelter and clothing? Do they have traditional skills or modern day employment like we see down south? Do we look at that, or just for the sake that it was our tradition and our custom to adopt?

I think the department, along with Social Services, should look into this matter. I think that if the social workers are put under too much pressure, knowing full well that maybe, just maybe, this adoptive home is not the right situation, or the right environment for this new baby. Many years ago native custom adoption had a very good purpose, to assist and to provide a service for your adoptive parents who may have been widowed, or may have grown old, through the aging process.

I think we have got to really look carefully at the meaning of what custom adoption is all about now, because the focus has completely changed from thirty, forty years ago, to what it is today. I could ramble on, and on, about what I have seen in the past, but I would like you to seriously look at putting, not preventative stuff, but guidelines, so that it would not make it that difficult, but just to provide the basics for these children who are being adopted. Thank you, Mr. Chairman.

**CHAIRMAN (Mr. Ningark):**

Thank you. Mr. Minister.

**HON. STEPHEN KAKFWI:**

Thank you, Mr. Chairman. I think the Member has brought up some really good points, and they are

ones that I certainly agree with. I think they are also addressed in this Family Law Review Report that I mentioned earlier. While it is not tabled in the House, I will take the liberty of letting Members know that I think there are a couple of recommendations in it, quite in line with what the Member just suggested.

That is, that the traditional practice of aboriginal people in regard to adoption should not be legislated, it should be just recognized and respected for what it is. That custom adoption, as such, should be done through the traditional manner of allowing designated, respected members of the community to review and approve these adoptions. That there should be minimal, or almost no involvement of government and Social Services in this. There should be no extensive bureaucratic involvement, in the sense that the intent, on our part, will be to work towards that, and to make sure that, whatever paperwork has to be done, is kept to a minimum, and is simplified.

I think that the Member is quite right, and that is what we intend to do, and I think that, apparently, I have not discussed this with anybody, but that draft report reflects, as I am told, the views of many, many aboriginal people and organizations in the north. It is something that we will work on very strongly. Thank you.

**CHAIRMAN (Mr. Pudluk):**

Thank you. General comments. Is this committee agreed that we go page by page?

**SOME HON. MEMBERS:**

Agreed.

**CHAIRMAN (Mr. Pudluk):**

Thank you. Page 78, directorate, total O and M of \$1.933 million. Mr. Nerysoo.

**MR. NERYSOO:**

I believe this is the directorate, and I wanted to ask the Minister if he could, and I think Mr. Gargan was going to ask the same question but, I wondered if the Minister could table, at least, in the House, the organization structure reflecting the takeover for young offenders, so we have an idea of where the groups are reporting to, and the relationship to the regions.

**CHAIRMAN (Mr. Pudluk):**

Thank you. Mr. Minister.

**HON. STEPHEN KAKFWI:**

Yes, Mr. Chairman. We will provide that to the Members.

**CHAIRMAN (Mr. Pudluk):**

Thank you. Directorate, total O and M of \$1.933 million. Mr. Dent.

**MR. DENT:**

Thank you, Mr. Chairman. Just if I could get clarification. Is the Victims Impact Statement Pilot Project under this directorate, as well?

**CHAIRMAN (Mr. Pudluk):**

Mr. Minister.

**HON. STEPHEN KAKFWI:**

Mr. Chairman, whatever monies that are provided for these projects would come out of the directorate, although there is no specific cost identified in this directorate. Thank you.

**CHAIRMAN (Mr. Pudluk):**

Mr. Dent.

**MR. DENT:**

Thank you, Mr. Chairman. I am sure that the Minister recalls my statement and questions earlier today, it is just that I wanted to find out if there has been an assessment of what the cost might be to provide the service of Victims Impact Statements across the Northwest Territories.

**CHAIRMAN (Mr. Pudluk):**

Thank you, Mr. Minister.

**HON. STEPHEN KAKFWI:**

Mr. Chairman, there is no real cost associated with these pilot projects. These pilot projects were initiated a couple of years ago, I gave some information to the Member earlier today, and I understand that C.B.C. twisted it into a wonderful news article this afternoon, saying that I admitted that the whole thing was a dismal failure. The fact is, the pilot projects was exactly that, we are trying to find out how this could be worked in a way that would be of

use to all of the parties concerned in the administration system.

There is some hiccups in it, but we are not contemplating adding new pilot projects at this time, because we have to access the pilot projects, to date, and see what we can do to make the improvements that the pilot projects have brought to light. Thank you.

**CHAIRMAN (Mr. Pudluk):**

Thank you. Directorate. Mr. Zoe.

**MR. ZOE:**

Thank you, Mr. Chairman. In regards to directorate, I want to comment on the fact that most departments, even this the Department of Justice, have not been taking the process of setting operational objectives seriously enough. I looked at the main estimates that we approved last year, in our 1991-92 fiscal year, and I saw that one of the tentative objectives for that year was to negotiate the transfer of prosecutions from the federal Department of Justice. I do not think this objective was met, Mr. Chairman, because I have not seen anything reported to the House in that regard. In fact, I do not even know if there were any negotiations.

In the proposed main estimates before us today, Mr. Chairman, there is no reference at all to the transfer of responsibility for prosecution. I have concerns about the accountability process when it comes to this department. To me, it does not take its own process for setting their own objectives seriously. I hope that in the future, there are more specific measures used to evaluate whether this department, and any other department, have met their previous year's objectives.

I know, Mr. Chairman, that this has been addressed in recommendation number 56, brought forward by the Standing Committee on Finance. I trust that the Minister and his officials have taken note of this fact and realize that we are very serious about not approving main estimates for programs in 1993-94

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that do not provide specific output measures. Just to clear up this outstanding issue, perhaps, I should ask the Minister to clarify the current status of our attempt to negotiate the transfer of responsibility for criminal prosecution. I wonder if he could also comment on why this unfulfilled objective has not been included in

the department's definitive objectives for the current year? Thank you.

**CHAIRMAN (Mr. Pudluk):**

Thank you. Mr. Minister.

**HON. STEPHEN KAKFWI:**

Mr. Chairman, I understand the definitive objective is to place before Members and the public, those things that the department thinks are reasonable objectives to try to accomplish within the budget year. The previous Ministers of Justice, both Mr. Ballantyne and Mr. Patterson, worked very hard to convince the federal Minister that prosecution should be devolved to the territorial government. What they received, as I understand, is a very flat emphatic "no". That is the end of the discussion. So, the department has said that this is no longer a reasonable objective to place under definitive objectives. That is why it is not there. The suggestion is we have to wait for another day, and I am not, at this time, of the view that it is a reasonable objective to continue placing in here. That is why it is not there. Thank you.

**CHAIRMAN (Mr. Pudluk):**

Thank you. Directorate with a total O and M of \$1.933 million. Mr. Gargan.

**MR. GARGAN:**

Mr. Chairman, with regard to the young offenders. I wanted to ask a question, whether or not the records of the young offenders, until they become adult age, are kept under that category, or do the records of the young offenders carry through into adulthood? I would like to know if a child gets into trouble when he is 16 years of age, then when he makes his first offence as an adult, are the records used against him in the courts?

**CHAIRMAN (Mr. Pudluk):**

Mr. Minister.

**HON. STEPHEN KAKFWI:**

Mr. Chairman, I wonder if Members would remember my little request to try to get Justice done today, because the time is coming up. Just a quick response to the question, the records of young offenders are kept separate and confidential. That is the way it is in law. Thank you.

**CHAIRMAN (Mr. Pudluk):**

Thank you. Directorate, with a total O and M of \$1.933 million.

**SOME HON. MEMBERS:**

Agreed.

**CHAIRMAN (Mr. Pudluk):**

Mr. Gargan.

**MR. GARGAN:**

Mr. Chairman, one of the other issues I have with regard to young offenders is in regard to their fines. In most of the cases where offenders go to court, their fine seems to be quite extreme. So, even if they wanted to work off their fine, they have to make a lot of commitments to paying off their fine. I am just wondering, whether or not, the purpose of fines is for the young offender to take that responsibility to ensure...

**CHAIRMAN (Mr. Pudluk):**

Mr. Gargan, the hour is 7:00 p.m. I will report progress. I would like to thank the witnesses at this time. Thank you.

Item 19, report of the committee of the whole. Mr. Chairman.

ITEM 19: REPORT OF THE COMMITTEE OF THE WHOLE

**CHAIRMAN (Mr. Pudluk):**

Mr. Speaker, your committee has been considering Committee Reports 10-12(2), 17-12(2), 18-12(2); and Minister's statement 82-12(2); Bills 31, 32, 33, and 9; and we wish to report that Bills 31 and 32, are ready for third reading. Our Committee Reports 10-12(2) and 18-12(2), and Minister's statement 82-12(2) are concluded with four motions being adopted, and Mr. Speaker, I move that the report of the chairman of the committee of the whole be concurred with. Thank you.

**MR. SPEAKER:**

Mr. Pudluk, is there a seconder to the motion. Mr. Dent. Motion is in order. All those in favour? All those opposed? Motion is carried.

---Carried

Mr. Todd.

**MR. TODD:**

Thank you, Mr. Speaker. I would like to seek, if I may, unanimous consent to return to Item 12 on the agenda, the tabling of documents.

**SOME HON. MEMBERS:**

Agreed.

**MR. SPEAKER:**

The honourable Member is seeking unanimous consent to return to item 12. Are there any nays? There are no nays, please proceed, Mr. Todd.

**REVERT BACK TO ITEM 12: TABLING OF DOCUMENTS**

**MR. TODD:**

Thank you, Mr. Speaker. Thank you colleagues. I would like to table two documents. First, I would like to table, tabled document 104-12(2), a copy of correspondence dated August 8, 1992, from the Director of Capital Planning and Maintenance, and the Department of Health to the Executive Director of the Keewatin Regional Health Board, demonstrating that the department help was actively involved in the preparation of a request for proposals for the preparation of a regional health services plan for Keewatin.

If I may, Mr. Speaker. I would also like to table, tabled document 105-12(2), a copy of an electronic mail transmission from the Health Board's Executive Director to the Director of Capital Planning and Maintenance summarizing the process used to review the final specifications of the request for proposals for a Keewatin Health Services Plan and listing the several Department of Health and other G.N.W.T. officials who were present at the steering committee meeting when these specifications were finalized. Thank you, Mr. Speaker.

**MR. SPEAKER:**

Tabling of documents. Item 20, third reading of bills. Item 21, Mr. Clerk, orders of the day.

**ITEM 21: ORDERS OF THE DAY**

**CLERK OF THE HOUSE (Mr. Hamilton):**

Mr. Speaker, meetings for tomorrow morning at 9:00 a.m. of the Ordinary Members' Caucus. Orders of the day for Wednesday, September 3, 1992.

1. Prayer
  2. Ministers' Statements
  3. Members' Statements
  4. Returns to Oral Questions
  5. Oral Questions
- Page 1190
6. Written Questions
  7. Returns to Written Questions
  8. Replies to Opening Address
  9. Petitions
  10. Reports of Standing and Special Committees
  11. Reports of Committees on the Review of Bills
  12. Tabling of Documents
  13. Notices of Motion
  14. Notices of Motions for First Reading of Bills
  15. Motions
  16. First Reading of Bills
- Bill 34
17. Second Reading of Bills
  18. Consideration in Committee of the Whole of Bills and
- Other Matters
- Tabled Document 9-12(2)
  - Tabled Document 10-12(2)
  - Tabled Document 62-12(2)
  - Tabled Document 66-12(2)
  - Tabled Document 70-12(2)

- Motion 6-12(2)

- Committee Report 17-12(2)

- Bill 9

- Bill 33

19. Report of Committee of the Whole

20. Third Reading of Bills

- Bill 31

- Bill 32

21. Orders of the Day

**MR. SPEAKER:**

Thank you, Mr. Clerk. This House stands adjourned until 10:00 a.m. Wednesday, September 30, 1992.

**---ADJOURNMENT**