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**HANSARD**

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**The Honourable Michael A. Ballantyne, Speaker**

MEMBERS PRESENT

Hon. Titus Allooloo, Mr. Antoine, Mr. Arngna'naaq, Mr. James Arvaluk, Hon. Michael Ballantyne, Hon. Nellie Cournoyea, Mr. Dent, Mr. Gargan, Hon. Stephen Kakfwi, Mr. Koe, Mr. Lewis, Mrs. Marie-Jewell, Hon. Rebecca Mike, Hon. Don Morin, Hon. Richard Nerysoo, Mr. Ningark, Mr. Patterson, Hon. John Pollard, Mr. Pudlat, Mr. Pudluk, Hon. John Todd, Mr. Whitford, Mr. Zoe

ITEM 1: PRAYER

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

Good afternoon. Orders of the day. Item 2, Ministers' statements. Item 3, Members' statements. Mr. Gargan. Point of order, Mr. Gargan.

Point Of Order

**MR. GARGAN:**

Mr. Speaker, I would like to rise on a point of order concerning comments made by the Honourable Stephen Kakfwi in his capacity as the Minister of Justice while he was answering oral questions yesterday. Mr. Speaker, this is the first opportunity I have had to raise on this point of order. Mr. Speaker, the Minister of Justice was answering a supplementary question to Question 489-12(3), asked by Mrs. Marie-Jewell. The comments which concern me are contained on page 2543 of the unedited Hansard.

Mr. Speaker, my point of order is regarding the following comments made by the Minister, "Mr. Speaker, my view is that there are two Members of this Legislative Assembly who have taken a particular interest in this inmate. I understand there is a perception on their part that there is not enough punishment for the offence which was committed. I do not see it as a great public concern judging from the lack of interest in other quarters."

Mr. Speaker, I feel the Minister of Justice is alleging that the Member for Thebacha and myself, who I think he is implying to with his comments, have motives with our questions. Mr. Speaker, I also feel the Minister should not be alleging that since he does not see the matter as one of great public concern, that it is not an issue with some of the Members' constituents.

Mr. Speaker, I raise this as a point of order and request your consideration on this matter.

**MR. SPEAKER:**

Thank you, Mr. Gargan. I think I would like to hear any views which other Members may have on either a point of privilege or point of order. I will allow debate on this. Mrs. Marie-Jewell. Point of order, Mrs. Marie-Jewell. You cannot raise a point of order on a point of order. I will deal with this point of order, Mrs. Marie-Jewell. I am asking for debate on this point of order. Are there any comments on this? Mrs. Marie-Jewell.

**MRS. MARIE-JEWELL:**

Mr. Speaker, just to comment on behalf of the point of order which my colleague has raised, I would like to indicate to the Members that our foundation of this institution is based on democracy, representing our constituents. To allege, by a Minister, that we are bringing forth these interests, particularly from the unedited Hansard which is before us to state, "that we have taken a particular interest in this inmate," appears to be somewhat unparliamentary. I think the Minister has certainly imputed false motives on this point of order. I would appreciate your particular comments with respect to this. Thank you.

**MR. SPEAKER:**

Thank you, Mrs. Marie-Jewell. Are there any other comments on this point of order? If not, I conclude debate. I will deliberate on this particular point of order and get back to the Members as soon as I have concluded my deliberations.

Item 3, Members' statements. Mr. Lewis. Point of order, Mrs. Marie-Jewell.

Point Of Order

**MRS. MARIE-JEWELL:**

Mr. Speaker, I would like to rise on a point of order. I have had an opportunity last evening and this morning to review unedited Hansard for March 15, 1993, and particularly to review the comments made by the Honourable Stephen Kakfwi, in his response to my questions on the circumstances surrounding the incarceration of a female inmate in Fort Smith.

Mr. Speaker, Mr. Kakfwi said on page 2543, "My view is that there are two Members of this Legislature who have taken a particular interest in this inmate." In the

same response he goes on to say, "I do not see it as a great public concern judging from the lack of interest in other quarters." Perhaps most objectionably, Mr. Speaker, as the honourable Member stated on page 2544, "I do not agree with the Member that she is the sole spokesperson for what the public thinks should be done in any case."

Mr. Speaker, when I stand up in this House and raise issues, I am acting on behalf of my constituents. I am, in essence, their voice in this House. To suggest that my words are not reflective of the opinions of my constituents, I suggest undermines the entire foundation of our representative system of democracy. In his comments, Mr. Kakfwi appeared to suggest that I was not representing the views of my constituents but rather acting for other unstated motives. To impute false motives to a Member has always been unparliamentary, Mr. Speaker. I would ask Mr. Kakfwi to withdraw his allegations. Thank you.

**MR. SPEAKER:**

Thank you. Because I do not have a written copy of your point of order, I want the opportunity to read it, I want an opportunity to see what points, in any, are covered in your point of order that are not covered in Mr. Gargan's point

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of order. I will deliberate on this and tomorrow I will tell you if, indeed, you do have a point of order. Thank you.

Item 3, Members' statements. Mr. Lewis.

**ITEM 3: MEMBERS' STATEMENTS**

Member's Statement On Committee Report On Health and Hospital Boards In the NWT

**MR. LEWIS:**

Thank you, Mr. Speaker. Yesterday, the Standing Committee on Agencies, Boards and Commissions read a long report into the record, which went on for many hours. I have heard from one of my constituents who thought it was rather long. There was some other criticism of it also, Mr. Speaker, that this report was overly critical of the people who work in the health care system. I should point out, Mr. Speaker, that it is the job of this kind of government which is open, to report what it hears. The

government, in fact, has then an opportunity, within 120 days, to respond to the committee's report.

However, I should point out in the report and I quote from page 11, "I believe that the people here in Yellowknife do a great amount of very good work, but I think what they do not understand is that they have never lived out in the satellite communities."

In fact, throughout the report there is a recognition that we are not talking about the high level of professional care in the system, but somehow that the structural problems still have to be overcome to meet the requirements of many of the people in the Northwest Territories. So, I think, Mr. Speaker, the government should not be overly sensitive to the fact that we are an open committee and are openly reporting as is required by our terms of reference.

---Applause

**MR. SPEAKER:**

Thank you, Mr. Lewis. Item 3, Members' statements. Mrs. Marie-Jewell.

Member's Statement On Expansion Of Fort Smith Maximum Secure Youth Facility

**MRS. MARIE-JEWELL:**

Thank you, Mr. Speaker. Staff at the River Ridge young offenders facility in Fort Smith have been notified by management that as of April 5, 1993, the facility will become an open custody unit. River Ridge is an institution currently designed to deliver a maximum secure program to young offenders. Mr. Speaker, it costs around \$2.7 million to design and build the sort of building which is required to house young offenders on a maximum secure basis. Since February, 1990, all staff training has focused on subjects required for the management of inmates in a maximum secure environment at a considerable cost to the staff development budget in corrections.

A strong team morale and excellent leadership skills have emerged among the River Ridge staff as a result of their experience in working with these very difficult youth and most importantly there is strong evidence that the program is working. Now, the Minister of Justice is talking about throwing all of this away with a complete reversal of program development efforts, which have been a priority for the past two and a half years.

Mr. Speaker, there is likely to be a significant financial cost associated with this plan. Renovation expenditures to make the facility suitable as an open custody residence will have to be accounted for in the corrections budget. Additional dollars for training staff to assume new roles in an open custody unit will have to be found. The facility is not intended for recreation and group related programming which occurs within an open custody setting. It is designed as a maximum secure institution. The idea is not financially feasible and will result in disruption to program delivery, a potential for lowered staff morale, and difficulties in rehabilitating open custody offenders in a maximum secure institution.

No matter how many renovations the Minister is contemplating, the environment is not conducive to successful results. The most ridiculous part of the entire plan is that the Minister intends to renovate the secure facility in Hay River and turn it into a maximum secure institution. There is no doubt that will push the costs even higher. I have to question the quality of planning with the corrections division and will be urging the Minister not to proceed with the changes to River Ridge in Fort Smith. Thank you, Mr. Speaker.

**MR. SPEAKER:**

Thank you, Mrs. Marie-Jewell. Item 3, Members' statements. Mr. Pudluk.

Member's Statement Thanking Organizations For Support Re Dumping Waste In Arctic Ocean

**MR. PUDLUK:**

(Translation) Thank you, Mr. Speaker. I have a brief statement. I would like to thank the people who worked hard to deal with the PanArctic issue. They were asking for a permit to dump waste into the ocean. I would like to thank ITC, ICC, and members of the BRC for supporting me on this issue which I was working on. This will show the people how important our environment is to us and how we would want to protect our land and animals. I am happy that the people in the high Arctic were able to work together on this matter. I would like to thank the organizations in supporting me in this matter. Thank you, Mr. Speaker.

**MR. SPEAKER:**

Thank you, Mr. Pudluk. I would like to take this opportunity to welcome Mayor Kadluk of Chesterfield Inlet, who is in the gallery...

---Applause

...and also Mayor Mablick of Pond Inlet.

---Applause

Item 3, Members' statements. Mr. Patterson.

Member's Statement On Gymnasium For Apex School

**MR. PATTERSON:**

Thank you, Mr. Speaker. Mr. Speaker, I rise to inform Members of this Assembly that I will be leaving the House tomorrow to participate in the Nunavut trades show in Iqaluit, about which I have spoken earlier in this House and to meet with the students at Nanook School in Apex. Students from Nanook School have been calling me to express their

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concern. Mr. Speaker, these young people are very anxious to find out about whether or not their new school will have a gym as the old school did. I am not sure what I can tell these eager young people when I meet with them, except that I have been raising the matter in this Legislature. I have been receiving indications of support from other honourable Members. The Minister of Education is well aware of the issue and the matter is before Cabinet.

I know from talking with the Minister of Finance that there will be additional monies required to construct this gym onto the school. I am told that DPW has estimated the premium at an additional \$1 million. Mr. Speaker, with the greatest of respect to the Minister of DPW and his officials, I would hope that a 2400 square foot gym, an addition to an existing school plan not much larger in area than a house, could be built onto the school for significantly less than that.

The Arctic Bay community council office was just tendered to a northern firm that is prepared to build that building in a more remote location than Iqaluit for just over \$250 per square foot. This school has already been designed. I assume the architect was already paid because they are using the same model as the Paulatuk school and it is part of a school which already has a boiler and mechanical systems for the four classrooms.

Mr. Speaker, I hope the Minister of Finance will be sympathetic to my pleas. I hope he will remember

back to when he was an ordinary Member and was beseeching Cabinet and this House to add a gym to the new Harry Camsell School which was built in Hay River. He was successful in his pleas. I attended the opening of that new school. It has a beautiful gym. All the kids from Apex want is a small gym. I will report back on what the kids say when I return to this House next week. Thank you, Mr. Speaker.

---Applause

**MR. SPEAKER:**

Thank you, Mr. Patterson. You had one second to spare. Item 3, Members' statements. Mr. Antoine.

Member's Statement On Need For Mackenzie Valley Highway

**MR. ANTOINE:**

Mahsi, Mr. Speaker. I am concerned about a recent statement in this Legislative Assembly about the proposed Mackenzie Valley road. People along the valley are very concerned about what they hear on CBC Radio, which was making reference last week to the Mackenzie Valley road as "a road that goes nowhere." People who live and work in the communities along the Mackenzie Valley have been working hard for many years to promote the construction of this road. This road has many potential benefits.

A road linking the communities in the Mackenzie Valley will eventually support renewable and non-renewable develops such as oil and mineral explorations. This type of exploration and development are essential to stimulate the economy of the whole valley. The Mackenzie Valley Highway has potential to immediately reduce the cost of doing business in all the communities in the valley.

We cannot afford to leave our communities isolated. The proposed road would supply an essential link to prosperity and growth. The Mackenzie Valley road would also provide new opportunities for development of tourism in each of the communities along the way. It would provide access to Inuvik through the Northwest Territories. A loop could be created by joining with the Dempster Highway, Mr. Speaker. This road could provide the backbone of an infrastructure that is so badly needed in these communities. Mr. Speaker, in order to develop our economy, it is essential to develop our infrastructure first. The Mackenzie Valley road would be a very

important infrastructure to develop and that way we can develop our economy along the Mackenzie Valley. Mahsi Cho.

**MR. SPEAKER:**

Thank you, Mr. Antoine. Item 3, Members' statements. Item 4, returns to oral questions. Item 5, oral questions. Mr. Whitford.

ITEM 5: ORAL QUESTIONS

Question 497-12(3): Nature Of Spill On Giant Mine Property

**MR. WHITFORD:**

Thank you, Mr. Speaker. Mr. Speaker, yesterday on the radio they reported that there was a spill of some liquid out of a tailings pond on Giant Mine property. Mr. Speaker, I have not heard anything as to what caused this spill, other than what I heard on the radio and the details were not clear. I would like to ask the Minister responsible for Renewable Resources, under whose department I believe this would come, what was the nature of this spill?

**MR. SPEAKER:**

Mr. Alloo. . .

Return To Question 497-12(3): Nature Of Spill On Giant Mine Property

**HON. TITUS ALLOOLOO:**

Thank you, Mr. Speaker. At 6:20 pm March 14, there was a report that the tailings pond solution from Giant Mine seemed to be spilling. It was reported to our spill line, which my department administers. At 6:26 pm the Department of Indian and Northern Affairs Canada was contacted as they have jurisdiction in this area. Since the Giant Mine property is on territorial lands, they are responsible to monitor and administer the spills. The spill covered approximately 30 by 50 metres. Since it was reported to Indian and Northern Affairs, they immediately responded to the spill. Today the spill which occurred is frozen and it has been removed and placed in the tailings pond. The situation is being monitored by Indian and Northern Affairs, but the clean-up has been completed. Thank you.

**MR. SPEAKER:**

Supplementary, Mr. Whitford.

Supplementary To Question 497-12(3): Nature Of Spill On Giant Mine Property

**MR. WHITFORD:**

Thank you, Mr. Speaker. What does the spill contain? Is it just water, mine muck or something else which we are not aware of?

**MR. SPEAKER:**

Mr. Allooloo.

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Further Return To Question 497-12(3): Nature Of Spill On Giant Mine Property

**HON. TITUS ALLOOLOO:**

Thank you, Mr. Speaker. I am told it is tailings from the mine and it consists of quite a few minerals. I am told it is a regular tailings pond that consists of minerals which are generated by the mine. I am not sure what they are, but I am told it is a normal tailings pond. Thank you.

**MR. SPEAKER:**

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

Supplementary To Question 497-12(3): Nature Of Spill On Giant Mine Property

**MR. WHITFORD:**

Thank you, Mr. Speaker. Do you have any idea what caused the spill?

**MR. SPEAKER:**

Mr. Allooloo.

Further Return To Question 497-12(3): Nature Of Spill On Giant Mine Property

**HON. TITUS ALLOOLOO:**

Mr. Speaker, my department, and Indian and Northern Affairs are trying to determine what caused the spill. I am not sure whether it was overflow or whether there was something faulty. At this point, I do not know.

**MR. SPEAKER:**

Item 5, oral questions. Mr. Lewis.

Question 498-12(3): Round Table On Economy And Environment

**MR. LEWIS:**

Thank you, Mr. Speaker. The 11th Assembly was dominated by our concern for the economy and our concern for the environment. Many Members will recall the pulp mills, the contamination of mothers' milk and so on. There was a long list of things which we were concerned about. I asked the Government Leader a question on June 17, which she took as notice, and it referred to the round table on the environment and the economy. My question was, is the government still committed, in light of the continuing concern about the environment, to having a round table on the economy of the environment?

**MR. SPEAKER:**

Madam Premier.

Return To Question 498-12(3): Round Table On Economy And Environment

**HON. NELLIE COURNOYEA:**

Mr. Speaker, the concern for the environment is utmost in all Members' minds and the Northwest Territories is an area of Canada where, perhaps, we have more responsibility to make sure that much of what has happened in southern Canada, does not happen in northern Canada. Mr. Speaker, we are not funding a round table on the environment, but we are committed as a whole to environmental issues. We are looking at a way to gather people together from time to time in an advisory capacity. However, Mr. Speaker, as the Member knows, in the land claims issues many of the areas of environment are covered, and how we organize ourselves in bringing other people together, other than our own daily responsibility to track and be involved with environmental issues, have to be respected because it is an element which is very much a priority in the land claims issues. Mr. Speaker, because times are changing and various land claims settlements have an environmental section within the claim, we are looking at trying to find a way of integrating the territorial-wide concerns with the integrity of the aboriginal claims. At this point in time, we have not allocated funding for a round table. Thank you.

**MR. SPEAKER:**

Supplementary, Mr. Lewis.

Supplementary To Question 498-12(3): Round Table  
On Economy And Environment

**MR. LEWIS:**

A large number of the people I represent, Mr. Speaker, are not beneficiaries of any land claim and have a tremendous interest in the environment. In fact, we passed a bill in the last Assembly making environment a public trust, it was everyone's business. My question to the Minister is, has she officially disbanded the round table on the environment and the economy? Have the people which were appointed to that been told that it no longer exists?

**MR. SPEAKER:**

Ms. Cournoyea. That was two questions, Mr. Lewis. Ms. Cournoyea, the first question.

Further Return To Question 498-12(3): Round Table  
On Economy And Environment

**HON. NELLIE COURNOYEA:**

Mr. Speaker, as a round table on the environment as it was set up has been disbanded. Thank you.

**MR. SPEAKER:**

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

Question 499-12(3): Intention To Change Hay River  
Facility

**MRS. MARIE-JEWELL:**

Thank you, Mr. Speaker. My question is to the Minister of Justice. Mr. Speaker, I am sure the Minister is aware there are three categories or three levels of facilities for housing young offenders: maximum secure facilities, secure facilities and open custody placements. I would like to ask the Minister, will he confirm, as the Minister responsible for the corrections division, that he is now planning to change the Hay River secure facility in Hay River so it can now house young offenders sentenced to maximum secure facilities? Thank you.

**MR. SPEAKER:**

Mr. Kakfwi.

**HON. STEPHEN KAKFWI:**

Mr. Speaker, until I get the copies of the letters of notice, I will take the question as notice.

**MR. SPEAKER:**

The question has been taken as notice. Item 5, oral questions. Mr. Koe.

Question 500-12(3): Status Of New Health Facility  
For Inuvik Region

**MR. KOE:**

Mahsi, Mr. Speaker. I have a question for the Minister of Health. Mr. Speaker, the people in my constituency are concerned about the state of the hospital facilities there. The building and equipment are fairly aged. I asked the Minister on February 23 what her department was doing to start planning for a new health facility in the Inuvik region and

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at that time the Minister took the question as notice. Mr. Speaker, health issues and sick people cannot wait for government to act and make decisions. Can the Minister indicate as to whether and when the planning will start for a new health facility in the Inuvik region?

**MR. SPEAKER:**

Minister of Health, Ms. Mike.

**HON. REBECCA MIKE:**

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

**MR. SPEAKER:**

The question has been taken as notice. Item 5, oral questions. Mr. Arvaluk.

Question 501-12(3): Fuel Alternatives For Wood  
Subsidy Program

**MR. ARVALUK:**

Thank you, Mr. Speaker. My question is to the Minister of Social Services. On March 8, 1993, I asked the Minister a question about the wood subsidy program, particularly as it applies to people who live in substandard housing in the eastern Arctic. Specifically, I wanted to know why naphtha gas and kerosine were not included when these are used as

sources of fuel in the eastern Arctic. Can the Minister indicate whether she has an answer to my question?

**MR. SPEAKER:**

Ms. Mike.

Return To Question 501-12(3): Fuel Alternatives For Wood Subsidy Program

**HON. REBECCA MIKE:**

Thank you, Mr. Speaker. I believe I had written a letter to the Member about a week and a half ago.

**MR. SPEAKER:**

Supplementary, Mr. Arvaluk.

Supplementary To Question 501-12(3): Fuel Alternatives For Wood Subsidy Program

**MR. ARVALUK:**

Mr. Speaker, I understand that on April 10, 1991, the former Member for Baffin Central, Mr. Ipeelee Kilabuk, asked the Minister of MACA about the hunter subsidy for kerosene. At the time, the Honourable Tom Butters stated that he would not favour subsidizing the purchase of kerosene because it is an unstable heating fuel. Recognizing that this position has been taken by a past administration, what is the Minister's position on whether the Department of Social Services should subsidize elders who use kerosene as the primary source of heating fuel in their homes. Thank you.

**MR. SPEAKER:**

Ms. Mike.

Further Return To Question 501-12(3): Fuel Alternatives For Wood Subsidy Program

**HON. REBECCA MIKE:**

Thank you, Mr. Speaker. I was not aware there were people using kerosene as their primary source of heating fuel. I would appreciate if the Member could give me a written letter substantiating the names, and then I will have the department look into it. Thank you.

**MR. SPEAKER:**

Supplementary, Mr. Arvaluk.

Supplementary To Question 501-12(3): Fuel Alternatives For Wood Subsidy Program

**MR. ARVALUK:**

Mr. Speaker, I really do not know how to ask my second supplementary, however, I understand it was the mandate of Social Services to substantiate the primary use of kerosene for heating fuel, especially for those who are living in shacks. Perhaps I should ask the Minister, is that not the responsibility of the department to substantiate these primary uses?

**MR. SPEAKER:**

Ms. Mike.

Further Return To Question 501-12(3): Fuel Alternatives For Wood Subsidy Program

**HON. REBECCA MIKE:**

Thank you, Mr. Speaker. In considering the safety aspect of the shacks these people are living in, I would not, as the Minister of Social Services, recommend using kerosene as the primary heating fuel. However, there are programs within the department which are accessible for these people who need it, namely the fuel which I outlined in my last response to the Member's question. Thank you.

**MR. SPEAKER:**

Item 5, oral questions. Mr. Pudlat.

Question 502-12(3): Utilization Of Outpost Camps For Young Offenders

**MR. PUDLAT:**

(Translation) Thank you, Mr. Speaker. I have a question for the Minister of Justice. The outpost camps are often utilized for young offenders. Will these be used in the future for young offenders in the traditional ways? It is very effective and useful. Can the Minister of Justice inform this House if this is planned for the future? Thank you, Mr. Speaker.

**MR. SPEAKER:**

Thank you. Mr. Kakfwi.

Return To Question 502-12(3): Utilization Of Outpost Camps For Young Offenders

**HON. STEPHEN KAKFWI:**



Mr. Speaker, the answer is, yes. It is the view of the Department of Justice and the government that we need to support any suggestions or development of community-based facilities for dealing with young offenders. We can perhaps even extend this to adult offenders in the future. We are presently reviewing possible types of facilities, programs and support systems which we need to put in place in order to ensure that communities and groups who propose to initiate and run such facilities are given adequate support and that adequate resources are provided for such initiatives. I would like to assure the Member this is the way we believe we should go in the future. Thank you.

**MR. SPEAKER:**

Supplementary, Mr. Pudlat.

Supplementary To Question 502-12(3): Utilization Of Outpost Camps For Young Offenders

**MR. PUDLAT:**

(Translation) Mr. Speaker, under the budget, can the Minister reassure the House that this is under the main estimates for the fiscal year. Thank you, Mr. Speaker.

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**MR. SPEAKER:**

Mr. Kakfwi.

Further Return To Question 502-12(3): Utilization Of Outpost Camps For Young Offenders

**HON. STEPHEN KAKFWI:**

Mr. Speaker, there is money in the Department of Justice for facilities for young offenders, on-the-land programs and open custody facilities. This is in the main estimates. It is my view that if we cannot come up with some projects and proposals which we believe are heading in the right direction, which are good initiatives with good programs and support in place, then we will look at using the existing monies within the budget of the Department of Justice to try to meet the needs of those initiatives. Thank you.

**MR. SPEAKER:**

Item 5, oral questions. Mr. Gargan.

Question 503-12(3): Arrangements For Social Services To Lease Office Space

**MR. GARGAN:**

Thank you. I have a question for the Minister of Social Services. Mr. Speaker, on March 1, I asked a question with regard to whether or not arrangements have been made for office space being leased by the Department of Social Services. I have a letter which confirms that an agreement was signed and reached with regard to office space leasing on November 4 from the former Minister, Mr. Patterson, and that it would take approximately six weeks for the process to be completed. It is now six months later. I am sure the Minister must have a response by now with regard to the question I asked.

**MR. SPEAKER:**

Ms. Mike.

Return To Question 503-12(3): Arrangements For Social Services To Lease Office Space

**HON. REBECCA MIKE:**

Thank you, Mr. Speaker. The department and the staff of DPW are working on finalizing this. Thank you.

**MR. SPEAKER:**

Supplementary, Mr. Gargan.

Supplementary To Question 503-12(3): Arrangements For Social Services To Lease Office Space

**MR. GARGAN:**

Mr. Speaker, the process was started back in November. The normal course of action is approximately six weeks. It is almost six months now. I would like to ask the Minister, when does she expect the department to conclude the arrangements?

**MR. SPEAKER:**

Ms. Mike.

Further Return To Question 503-12(3): Arrangements For Social Services To Lease Office Space

**HON. REBECCA MIKE:**

Thank you, Mr. Speaker. As I have said, it is already in the process. They are working on it. I am not going to state a date when it is going to be completed. I could do that and get both the staff of DPW and my department to drop everything and run down to Hay River to have the lease completed. I would urge the Member to have

more patience because I think it is near completion. Thank you.

**MR. SPEAKER:**

Mr. Koe.

Question 504-12(3): Status Of Meeting Re X-Ray Machine At Inuvik Regional Hospital

**MR. KOE:**

Mahsi, Mr. Speaker. I have a question for the Minister of Health. On February 23, several questions were raised about the state of the X-ray machine in Inuvik regional hospital. At that time, the Minister mentioned that a meeting of government officials was to be held on February 25 and 26 to develop an option and prepare a plan of action for replacing the X-ray unit at Inuvik regional hospital. My question to the Minister is, was this meeting of government officials held?

**MR. SPEAKER:**

Minister of Health.

Return To Question 504-12(3): Status Of Meeting Re X-Ray Machine At Inuvik Regional Hospital

**HON. REBECCA MIKE:**

Thank you, Mr. Speaker. I believe it did. Thank you.

**MR. SPEAKER:**

Supplementary, Mr. Koe.

Supplementary To Question 504-12(3): Status Of Meeting Re X-Ray Machine At Inuvik Regional Hospital

**MR. KOE:**

Mahsi. If the meeting was held, was a plan of action developed?

**MR. SPEAKER:**

Ms. Mike.

**HON. REBECCA MIKE:**

Thank you, Mr. Speaker. I will take the question as notice and report back to the House. Thank you.

**MR. SPEAKER:**

The question has been taken as notice. Item 5, oral questions. Mr. Lewis.

Question 505-12(3): Minister's Comments To NWT Chamber Of Commerce

**MR. LEWIS:**

Thank you, Mr. Speaker. On March 6, the Minister of Economic Development talked to the NWT Chamber of Commerce and for \$20 you could have listened to Mr. Pollard give his vision of the economy of the Northwest Territories. Those who were at that meeting know more about where we are going, than the people in this Chamber -- that was for just \$20, Mr. Speaker. We know the Minister to be a fiscal conservative, he is very careful with money and looks after it well for us. This \$250 million that he told the chamber he would be quite happy to advance to the Cabinet for its consideration, what would that money be used for? There is a project right now in the Coronation Gulf which we are told is going to cost about \$650 million. What did he have in mind when he said he would be prepared to convince his Cabinet colleagues that we should borrow the \$250 million?

**MR. SPEAKER:**

Mr. Pollard.

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Return To Question 505-12(3): Minister's Comments To NWT Chamber Of Commerce

**HON. JOHN POLLARD:**

Mr. Speaker, once again I find myself in Mr. Todd's territory. He is the lead Minister in this regard, although I do not deny making those comments to the NWT Chamber of Commerce. Mr. Speaker, what I told the NWT Chamber of Commerce when I was asked about how a major project like that would be financed, was that it would have to be a cooperative effort, that it would have to be between industry, the federal government, ourselves and that there had been some interest by aboriginal organizations in

taking part in the venture as well. My preference, Mr. Speaker, would be that it was a cooperative effort and therefore cooperative financing and that we collectively share in the risk. The likelihood of that may or may not come true, but I would point out that the money would be used, in my opinion, for the construction of the transportation corridor and that may include electricity running along side the highway, Mr. Speaker. Thank you.

**MR. SPEAKER:**

Supplementary, Mr. Lewis.

Supplementary To Question 505-12(3): Minister's Comments To NWT Chamber Of Commerce

**MR. LEWIS:**

I have always been concerned about mega-projects, Mr. Speaker, and wondered about the overall value of them when they are finally analyzed. The \$250 million that he was thinking about recommending to Cabinet, does that mean that this amount of money would be to offset the \$650 million that the proposals call for in developing the deposit at Izok Lake and to transport it to the Coronation Gulf? Does it just deal with that project, the transportation corridor from the deposit to the water?

**MR. SPEAKER:**

Mr. Pollard.

Further Return To Question 505-12(3): Minister's Comments To NWT Chamber Of Commerce

**HON. JOHN POLLARD:**

Mr. Speaker, I will explain a bit about the \$250 million. When I met with the federal Minister of Finance last August, the closest I could get to what a contribution would have to be from the Government of the Northwest Territories was \$200 million. Those numbers have since been revised. So, the \$250 million that Mr. Lewis has mentioned, that I have mentioned and I said to the NWT Chamber of Commerce, is not a fixed number. Mr. Todd is crunching those numbers to get them tighter than I had them last year, Mr. Speaker.

Mr. Speaker, secondly with regard to the \$250 million, I said to the chamber of commerce that if it could be proven to me that there would be long-term economic benefits for the Northwest Territories, that if you looked at it as a business deal, that if it was going to

make our economy grow and create jobs in the Northwest Territories and allow northern companies to participate, then I would consider recommending to Cabinet that we indeed borrow the \$250 million, if that figure is correct.

The \$250 million that I am talking about is based upon a road from Yellowknife to Coppermine with a port. I think that the lower portion of the road, from when I turned the file over to Mr. Todd, is where our money would have to go into. There is no question that Minnova has already looked at the possibility of a line up to the Coronation Gulf. They have also looked at a road up to the Coronation Gulf. So, I would be leaning towards the Government of the Northwest Territories assisting to put the road from Yellowknife up into the Lac De Gras area, then from the large ore deposit onto the Coronation Gulf. The money that I am talking about, that I talked about last year, has nothing to do with the actual infrastructure of mines or equipment for mines, it is strictly to do with a transportation corridor which may or may not include electricity, Mr. Speaker.

**MR. SPEAKER:**

Item 5, oral questions. Mr. Patterson.

Question 506-12(3): Status Of Review Of Formula Funding Agreement

**MR. PATTERSON:**

Thank you, Mr. Speaker. Mr. Speaker, my question is to the Minister of Finance. In his budget address earlier this session, he stated that current fiscal arrangements between the Government of Canada and the Government of the Northwest Territories are "a disincentive to economic growth." I know this problem has been raised by the Government Leader at first Ministers' conferences and by the Minister of Finance with his counterpart. The budget address also noted there will be a partial review of the current formula in 1993. I would like to ask the Minister of Finance if he could indicate to this House the status of this review of the formula at this time? Thank you.

**MR. SPEAKER:**

Mr. Pollard.

Return To Question 506-12(3): Status Of Review Of Formula Funding Agreement

**HON. JOHN POLLARD:**

Thank you, Mr. Speaker. I think what Mr. Patterson is getting at is the perversity factor in our formula funding agreement and also the GDP cap that we have upon us, which are our two great concerns in the formula at the present time. Both of those issues will be on the agenda when our officials meet the first week of April, Mr. Speaker. We intend to again convey at the officials level to the federal government that we are having some problems in this regard. At that meeting will be the Department of Finance federally, there is usually a treasury board representative, there is a representative from the Department of Indian and Northern Affairs and the Yukon is usually at those meetings as well because we do them jointly, Mr. Speaker. Thank you.

**MR. SPEAKER:**

Supplementary, Mr. Patterson.

Supplementary To Question 506-12(3): Status Of Review Of Formula Funding Agreement

**MR. PATTERSON:**

Mr. Speaker, we heard today that Mr. Mazankowski is not going to run for the leadership and he is going to devote his efforts instead to preparing a budget. Mr. Speaker, given that our government has been hit by the pre-budget announcements made in December, I wonder if the Minister of Finance could tell us whether he will be making efforts to take up this issue of the formula and the formula review with the Minister of Finance, before yet another perhaps damaging federal budget is brought down with dire effects in the Northwest Territories? Thank you.

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**MR. SPEAKER:**

Mr. Pollard.

Return To Question 506-12(3): Status Of Review Of Formula Funding Agreement

**HON. JOHN POLLARD:**

Mr. Speaker, I have raised the issue already with Mr. Mazankowski. He is aware of the problems with our formula. I have raised it with Mr. Siddon, as well, who is the lead Minister when it comes to funding the Government of the Northwest Territories. Neither of them seem to be able to understand the perversity factor but, I can tell you that their department officials seem to understand it perfectly well. Will I be making

another attempt to talk to him about it? Yes, Mr. Speaker, I will. I will be trying to at least talk to him on the telephone before he brings down either his budget statement or his new budget. Thank you, Mr. Speaker.

**MR. SPEAKER:**

Supplementary, Mr. Patterson.

Supplementary To Question 506-12(3): Status Of Review Of Formula Funding Agreement

**MR. PATTERSON:**

Mr. Speaker, as Mr. Lewis has pointed out, the Minister of Finance was musing before the NWT Chamber of Commerce recently about borrowing a mere quarter billion on the basis of spin-off economic benefits. Yet, Mr. Speaker, the Minister has told us that the present fiscal formula contains actual disincentives to economic growth. We actually get penalized if there are economic benefits from development, under our current formula. Was the Minister's speculation about borrowing for a return on economic developments premised on his successfully obtaining revisions to our fiscal formula so these disincentives to economic growth, the perversity and the GDP cap elements are removed from the formula?

**MR. SPEAKER:**

Mr. Pollard.

Further Return To Question 506-12(3): Status Of Review Of Formula Funding Agreements

**HON. JOHN POLLARD:**

Mr. Speaker, we have not been that successful in getting perversity or the GDP cap lifted out of the formula funding agreement. We have, however, advanced to the federal government individual projects such as the road or northern accord, and we have been seeking exemptions for those particular projects from the perversity factor. Mr. Patterson, is indeed correct. If we were to borrow a quarter of a billion dollars and go out and build a road and put many people to work, for every dollar we raised in income tax, we would lose \$1.26 out of our formula, which does not seem to be a very good business deal to us. We have been seeking exemptions from the perversity factor where we have been putting forward these kinds of projects and we will continue to do that, Mr. Speaker. Thank you.

**MR. SPEAKER:**

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

Question 507-12(3): Renewable Resources Policy  
On Donated Charters

**MRS. MARIE-JEWELL:**

Thank you, Mr. Speaker. I have a question for the Minister of Renewable Resources. Mr. Speaker, in reviewing the minutes of the South Slave divisional board meeting of Friday, February 5, there was a concern expressed to the South Slave divisional board. The concern was about a charter to send students back to Lutsel K'e to attend a funeral for two community members who had died in an accident. The minutes reveal that the charter was donated by the Department of Renewable Resources, no board funds were expended for this. I would like to ask the Minister, what is the policy of the Department of Renewable Resources in respect to donation of charters? Thank you.

**MR. SPEAKER:**

Mr. Allooloo.

**HON. TITUS ALLOOLOO:**

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

**MR. SPEAKER:**

The question has been taken as notice. Item 5, oral questions. Mr. Gargan.

Question 508-12(3): Emergency Communication  
Equipment For Hay River Reserve

**MR. GARGAN:**

Thank you. My question, Mr. Speaker, will be to the Minister of Municipal and Community Affairs. Mr. Speaker, I have been a Member now for nearly ten years and I am starting to catch onto the process. Spring is around the corner and we anticipate we will be having floods in my area. I am sure the Minister must have had some ministerial briefings with regard to anticipated problems during the spring thaw. One of the things I have continuously tried to address is with regard to emergency community equipment. The former Minister indicated that there was a cost-sharing program with the federal and territorial governments, I think by the federal government

providing 75 per cent. The former Minister also said that they were working with the Hay River reserve to come up with a plan to address that issue. I would like to ask the Minister whether -- this letter is one year old, March 29 -- a meeting has been held to discuss emergency communication equipment with the Hay River reserve?

**MR. SPEAKER:**

Mr. Allooloo.

Return To Question 508-12(3): Emergency  
Communication Equipment For Hay River Reserve

**HON. TITUS ALLOOLOO:**

Thank you, Mr. Speaker. The Member is correct, there is a joint federal and territorial emergency preparedness program. To the Member's question, the officials of my department have been meeting with the people of the Hay River reserve with respect to emergency preparedness, in the event of an emergency, to come up with a plan. Thank you.

**MR. SPEAKER:**

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

Supplementary To Question 508-12(3): Emergency  
Communication Equipment For Hay River Reserve

**MR. GARGAN:**

I realize there have been meetings with the department regarding the emergency procedures. The reserve has specifically asked for assistance in purchasing emergency communication equipment. Has this been addressed?

**MR. SPEAKER:**

Mr. Allooloo.

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Further Return To Question 508-12(3): Emergency  
Communication Equipment For Hay River Reserve

**HON. TITUS ALLOOLOO:**

Thank you, Mr. Speaker. I do not know if the community has been assisted in obtaining emergency equipment. If not, I will look into this matter right away for the Member. Thank you.

**MR. SPEAKER:**

Item 5, oral questions. Mr. Koe.

Question 509-12(3): Staff Identified To Work On Payroll Tax Act

**MR. KOE:**

Mahsi, Mr. Speaker. I have a question for the Minister of Finance. Mr. Speaker, on February 22, I asked the Minister of Finance some questions about the proposed payroll tax. I asked the Minister if anyone had been hired to work specifically on the Payroll Tax Act, and the Minister answered that not to his knowledge had anyone been hired. I then asked if he would find out for sure if anyone had been hired and he said he would do that. I am still waiting for the response, Mr. Speaker. I would like to ask the Minister again, does the Minister know if anyone has been hired to work specifically on the Payroll Tax Act?

**MR. SPEAKER:**

Mr. Pollard.

Return To Question 509-12(3): Staff Identified To Work On Payroll Tax Act

**HON. JOHN POLLARD:**

Mr. Speaker, the Department of Finance incurred costs in the development of the Payroll Tax Act prior to Committee Motion 47-12(3) on December 8, 1992. Details of these costs were provided to the Standing Committee on Finance on January 12, 1993. These costs were absorbed within the Department of Finance and no supplementary estimate was required. A supplementary appropriation was requested in November, 1992, to provide funding for the development of systems and regulations and for a payroll tax information officer. Coincidentally, an employee of the Department of Finance in Inuvik returned to work on November 30, 1992, from secondment to the Union of Northern Workers. A transfer agreement was executed transferring the employee from Inuvik to headquarters to work in the tax administration division. For the first several days of her employment, this employee was provided with the training required to enable her to answer technical questions on the payroll tax and to support work on the development of regulations, forms and administrative procedures. With the deletion of the payroll tax supplementary estimate on December 8, 1992, this employee was reassigned to other responsibilities. Since mid-December she has been working on tobacco tax inventory declarations, the

review of the petroleum product tax regulations and property taxes.

In early December the department also had a toll free telephone tax information line installed, the cost of which has been approximately \$1,080 to date. Although the payroll tax has not proceeded as scheduled, continued tax administration related to the tax has been necessary in order to respond to questions from the Standing Committee on Finance and from others, and to undertake related research. Thank you, Mr. Speaker.

**MR. SPEAKER:**

Item 5, oral questions. Mr. Koe.

Question 509-12(3): Staff Identified To Work On Payroll Tax Act

**MR. KOE:**

Thank you, Mr. Speaker. Can the Minister indicate that the amounts of money which have been incurred against this payroll tax, are those funds coming out of the general pot of the Department of Finance or are there specific amounts allocated for these tasks?

**MR. SPEAKER:**

Mr. Pollard.

Return To Question 509-12(3): Staff Identified To Work On Payroll Tax Act

**HON. JOHN POLLARD:**

Mr. Speaker, with regard to the property tax and tobacco tax, these are ongoing and that would be coming out of that area of our budget. We have been responding on the payroll tax to either the Standing Committee on Finance, Cabinet or researchers, and we have been responding to staff as required. The director of fiscal policy has been involved. The deputy minister has been involved. We have been spreading it around the department as the requests for information came in. Thank you, Mr. Speaker.

**MR. SPEAKER:**

Item 5, oral questions. Mr. Ningark.

Question 510-12(3): Previous Questions Regarding Development Of Credit Unions

**MR. NINGARK:**

Thank you, Mr. Speaker. I have a question for the Premier. On September 30, 1992 I asked her what this government has done with respect to the request made by Arctic Co-operatives Ltd. to develop credit unions in the Northwest Territories. Mr. Speaker, the Premier said she wanted to give my question credit. She took it as notice. I think she was trying to make a little joke with those words. Mr. Speaker, I think it is called a "pun."

Mr. Speaker, I still have an interest in this issue. I have noted my earlier question has not been paid "dividends" so far.

---Laughter

Mr. Speaker, I wonder when the Premier might be able to provide me with a return on my earlier "investment" and bring an answer to this House? Thank you.

**MR. SPEAKER:**

Madam Premier.

Return To Question 510-12(3): Previous Questions Regarding Development Of Credit Unions

**HON. NELLIE COURNOYEA:**

Mr. Speaker, I am sad to hear that the investment has not been returned. Mr. Speaker, regarding the issue of credit unions, I asked the Minister of Finance to follow through on this issue regarding requests from credit unions and the development of a process to deal with them. The only reason I did not respond to the oral question was I said I had referred it to the Minister of Finance to carry through with his ongoing financial responsibilities. I would request that questions of that nature be referred, as they have

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been in the last couple of weeks, to the Minister of Finance, and Economic Development and Tourism. Thank you.

**MR. SPEAKER:**

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

Question 511-12(3): Date Of Last Inspection At Royal Oak Mine

**MRS. MARIE-JEWELL:**

Thank you, Mr. Speaker. I have a question for the Minister responsible for Safety. Mr. Speaker, Members of this House are aware there was an accident at Giant Mine over the weekend. Can the Minister indicate to this House when the last inspection was done at Giant Mine?

**MR. SPEAKER:**

Mr. Todd.

Return To Question 511-12(3): Date Of Last Inspection At Royal Oak Mine

**HON. JOHN TODD:**

Thank you, Mr. Speaker. Inspections at the Royal Oak Mine are done, at least, once every four weeks. The last inspection at this mine was on February 15, 16 and 17 and the area where the accident occurred was inspected at that time. I am told that a routine inspection by the mine safety division would not have revealed the problem in this area, since the inspection of a drop point does not indicate how much waste rock is present with respect to the accident.

**MR. SPEAKER:**

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

Supplementary To Question 511-12(3): Date Of Last Inspection At Royal Oak Mine

**MRS. MARIE-JEWELL:**

Thank you, Mr. Speaker. I would like to ask the Minister if he could provide this House with the time frames for inspections at the Royal Oak Mine, formerly Giant Mine. Thank you.

**MR. SPEAKER:**

Mr. Todd.

Further Return To Question 511-12(3): Date Of Last Inspection At Royal Oak Mine

**HON. JOHN TODD:**

Mr. Speaker, yes I can provide that.

**MR. SPEAKER:**

Item 5, oral questions. Item 6, written questions. Item 7, returns to written questions. Mr. Morin.

## ITEM 7: RETURNS TO WRITTEN QUESTIONS

Return To Written Question 29-12(3): NWT HC  
Contracts With Robinson Enterprises Ltd.

### HON. DON MORIN:

Thank you, Mr. Speaker. I have a return to a written question, asked by Mr. Zoe on March 11, 1993, regarding NWT contracts with Robinson Enterprises Ltd. for the NWT Housing Corporation. Thank you.

### MR. SPEAKER:

Mr. Morin, if you have filed it with the Clerk it is not necessary to read it, it automatically goes into the record. However, because you started to read it you have to complete the total response. Mr. Morin.

### HON. DON MORIN:

On March 11, 1993, the honourable Member for North Slave asked a question regarding the amount of contracts between the Housing Corporation and Robinson Enterprises Ltd. over the last ten years, and the nature and location of the work carried out. Records on these matters are only kept for seven years.

The Housing Corporation has had three contracts with Robinson Enterprises over the past seven years.

1. In 1987, Robinson Enterprises was awarded a contract of \$96,600 for road construction and the trucking of home ownership assistance program packages to Snare Lakes.
2. In 1988, Robinson Enterprises was awarded a contract of \$45,825 for road construction and the trucking of home ownership assistance program packages to Snare Lakes.
3. In 1990, Robinson Enterprises was awarded a contract of \$205,000 for road construction and the trucking of home ownership program packages and fuel to Snare Lakes, \$65,000 was recovered from the petroleum, oils and lubricants division of the then Department of Government Services for the hauling of the fuel. This reduced the final cost to the Housing Corporation to \$140,000.

### MR. SPEAKER:

Item 7, returns to written questions. Item 8, replies to opening address. Item 9, petitions. Item 10, reports

of standing and special committees. Mr. Arngna'naaq.

## ITEM 10: REPORTS OF STANDING AND SPECIAL COMMITTEES

Committee Report No. 15-12(3): Standing Committee On Legislation Report On Tabled Document 33-12(2): Government Accountability: A Legislative Action Paper On Access To Government

### MR. ARNGNA'NAAQ:

Thank you, Mr. Speaker. I am pleased to make a report on the Standing Committee on Legislation's report on government accountability. The Standing Committee on Legislation has completed its review on Tabled Document 33-12(2), entitled "Government Accountability: A Legislative Action Paper on Access to Government."

The standing committee held public hearings in eight communities through the Northwest Territories from January 11 to 21, 1993. The public hearings were held in Cambridge Bay, Hay River, Inuvik, Iqaluit, Norman Wells, Pond Inlet, Rankin Inlet and Yellowknife. The Standing Committee on Legislation extends its appreciation to the individuals and organizations who made verbal presentations or submitted written briefs to the committee. The comments and suggestions were thoughtful and have been studied carefully by the committee during our deliberations.

In its review of the legislative action paper, the Standing Committee on Legislation considered carefully the history and principles of right to information legislation and ombudsman legislation in other countries and other Canadian jurisdictions. Witnesses who appeared before the committee were also questioned with respect to their views as to the desirability of right to information and ombudsman legislation for the

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Northwest Territories, and as to the most appropriate structure for such legislation.

During the public hearings, the standing committee consistently heard that members of the public view the right of access to government records to be linked to a more basic right to participate in democratic government. Without exception, each public hearing left the standing committee with the conclusion that residents of the Northwest Territories want right to



information legislation to become a priority to this government.

The Standing Committee on Legislation is of the opinion that the government should take immediate action to develop a bill which establishes the right to access certain information held by government bodies. The people of the Northwest Territories should not be forced to wait any longer for rights that are recognized in most of Canada.

This bill should include components to protect the privacy of individuals with respect to personal information held about them by government. This bill should be introduced to the Legislative Assembly no later than the fall of 1993. If this bill receives second reading, it would again be referred to the Standing Committee on Legislation for review.

The standing committee considered the submissions provided by the public, and the structure and content of legislation in other jurisdictions. As a result, the standing committee reached certain conclusions as to the principles and components of legislation which might best meet the needs of the people of the Northwest Territories.

Many submissions to the standing committee stressed that the government must make a strong commitment to the right of the public to access government information, and to a number of underlying principles. In the committee's view, the following principles reflect the optimal framework for an effective access to information system:

1. The public must be provided a right, protected in legislation, to have access to all information held by the government, subject only to limited and specific exemptions in the legislation;
2. Individuals must have a right of access to, and a right to request correction of, personal information about themselves;
3. The burden of proof must be upon the government to justify the withholding of government information;
4. A denial of access to information must be subject to independent review;
5. The legislation must prevent the unauthorized collection, use and disclosure of personal information by government;

6. The procedure for acquiring information must be clear, simple and accessible by residents of the all NWT communities;

7. Fees must not form a barrier of access to information;

8. The legislation should contain a requirement for period mandatory review by the Legislative Assembly.

The Standing Committee on Legislation spent considerable time discussing the appropriate scope of right to information legislation. The committee is of the opinion that a priority should be placed on the right to access records from government departments and corporations, and from government boards, agencies and commissions to which the committee appoints at least one member.

The committee recognizes as well, that other jurisdictions have recently moved in the direction of an extension of right to information legislation to municipal bodies, government funded agencies, and self-governing bodies. A right to information bill should be designed with the view that such extension might be anticipated in the future, once experience has been gained with the statute.

The Standing Committee on Legislation came to some conclusions with respect to the design of the access components of right to information legislation. The committee recognizes that certain types of information should not be available to the public, for very good reasons. The committee is of the view that where this is necessary, exemptions to the right of access should be clearly set out in the legislation.

Exceptions to the right of access should be discretionary in most cases, so that even information that could not normally be accessed may be released by government bodies where it is clear that no harm will be done by its release.

The Standing Committee on Legislation is also in favour of including a public interest "override", so that in the case of a significant risk to public safety, public health or the environment, information that would otherwise be exempt may be disclosed in the public interest. When the risk warrants, the government should be required to disclose such information on its own volition, even though a request may not be made.

The standing committee considered the types of information that might justifiably be exempt from disclosure to the public. In the view of the committee, protection must be given to personal information held by government about other people. As well, the committee was of the opinion that exemptions should be included to restrict the release of information that would harm:

- the commercial interests of a party other than the requester or the government;
- the conduct of law enforcement or legal proceedings;
- individual or public safety;
- intergovernmental relations or negotiations; and,
- the economic interests of government.

In addition, the committee recognizes that some protection should be provided for the deliberations of Cabinet, although clear restrictions should be placed on such an exemption.

The Standing Committee on Legislation also considered the recommendation of the public and the experiences of other jurisdictions with respect to the inclusion of "privacy provisions" in right to information legislation.

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The committee concluded that provisions to protect individual privacy are a crucial component of such legislation. Such provisions would protect the privacy of personal information by restricting the government's collection, use and disclosure of personal information. As well, it would ensure that individuals have a right to access and request correction of personal information about themselves held by the government.

The committee was concerned that right to information legislation, although strongly supported by those who appeared before the committee, would be of little practical effect if residents in each of the communities were not provided with a direct and accessible means of exercising their rights in their own language. The unique needs of the Northwest Territories must be recognized in the design of the legislation. The committee is of the opinion that a community focused model must be developed to assist individuals with access to information requests.

Later, ombudsman legislation, if passed, could also make use of such a framework.

The Standing Committee on Legislation views the provisions of access to government information as a public service to which the public has a right. Therefore, the committee cannot support the levying of fees for access to the requester's own personal records, or for time spent by government in searching for records. However, a small administration fee and/or charges to cover copying expenses may be justified, keeping in mind the principle that fees must not form a barrier to access.

The standing committee is of the opinion that right to information legislation should contain a process for the review of denials of access to information by government. The committee recognizes advantages to both the adjudicative and investigative models of review. Under either approach, however, it is vital that the review officer be independent from government.

During its review of the legislative action paper, the Standing Committee on Legislation also received several submissions expressing opinions on the development of ombudsman legislation. The role of an ombudsman, generally, is to investigate complaints about the way in which government policy is administered, to ensure that the actions of government are fair and reasonable.

While presentations were not unanimous, the standing committee reached the conclusion that the creation of an ombudsman office for the Northwest Territories could be justified, in the interest of ensuring that government administration is fair and accountable to the people it serves. Accordingly, the committee supports in principle the development of ombudsman legislation.

However, throughout the review process, the committee received many requests for more details about what an ombudsman is supposed to do. While witnesses appearing before the committee were generally familiar with concepts of access to information legislation, often as a result of previous debate or media coverage on the issue, the concept of the ombudsman has not received the same level of public attention. Members of the public expressed that without a concrete proposal, it was difficult to develop an informed response.

The standing committee agreed, and is of the opinion that this may best be addressed through the tabling of

a second legislative action paper, outlining specific options in this area. Preferably, the paper would be appended by a draft bill for public review and consultation. The paper should focus on potential powers, duties and jurisdiction of the ombudsman, a model for community access and a plan for coordinating ombudsman activities with the office of the official languages commissioner and right to information legislation.

The following recommendations are included in the standing committee's final report on the access to government legislative action paper.

**Recommendation No. 1**

That the Minister of Justice proceed on a priority basis with the preparation of a bill which would establish the right of access by the public to information held by government institutions.

**Recommendation No. 2**

That the Minister of Justice develop a legislative action paper outlining a proposal for the creation of an ombudsman for the Northwest Territories.

Mr. Speaker, that concludes the report of the Standing Committee on Legislation.

**Motion To Move Committee Report 15-12(3) To Committee Of The Whole**

Therefore, I move, seconded by the honourable Member for Yellowknife Centre that the report of the Standing Committee on Legislation on Tabled Document 33-12(2): Government Accountability: A Legislative Action Paper on Access to Government, be received by the Assembly and moved to committee of the whole for consideration. Thank you.

**MR. SPEAKER:**

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

**AN HON. MEMBER:**

Question.

**MR. SPEAKER:**

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

---Carried

Committee Report 15-12(3) will be put into committee of the whole. Item 10, reports of standing and special committees. Mr. Zoe.

**Committee Report 16-12(3): Standing Committee On Rules, Procedures And Privileges Final Report On The Comprehensive Review Of The Rules**

**MR. ZOE:**

Thank you, Mr. Speaker. I would like to present the final report of the Standing Committee on Rules, Procedures and Privileges on the Comprehensive Review of the Rules.

The Standing Committee on Rules, Procedures and Privileges has completed its comprehensive review of the rules of the Legislative Assembly of the Northwest Territories.

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The standing committee consulted with all Members of the Legislative Assembly by questionnaire, to obtain their view and recommendations for changes to the rules, and also received referrals on further specific issues during the time frame of the review. The committee presented its interim report on the comprehensive review on June 26, 1992.

The Standing Committee on Rules, Procedures and Privileges met on several occasions to consider suggestions received for amendments to the rules.

Following a referral from the Ordinary Members' Caucus, the Standing Committee on Rules, Procedures and Privileges discussed whether amendments should be made to the time allotted for Members' Statements. While the standing committee recognizes the wish of ordinary Members to have sufficient time for their statements, the committee is also mindful of the need to have the business of the House proceed on an efficient and timely manner. Therefore, the committee does not recommend that the time allotted for Members' Statements be increased at this time.

The Standing Committee on Rules, Procedures and Privileges discussed the matter of "further returns to oral questions," referred by the Speaker. Again, the standing committee does not recommend an amendment to the rules on this issue. The Speaker's rulings have made it clear that oral questions which have not been specifically taken as notice will be recorded as having been answered. When a Minister considers it necessary to provide additional

information to a question that has been answered, the current practice of providing the "further return" under the item "returns to oral questions" is appropriate.

The Standing Committee on Rules, Procedures and Privileges recommends an amendment to the rules with respect to a referral received from the Government House Leader. The committee is of the opinion that a rule should be added specifying that reports of standing and special committees moved into committee of the whole not be considered until two sitting days have passed from the presentation of the report. This would allow Members who are not Members of a committee presenting a report, and Ministers, adequate time to review committee reports in order to contribute effectively to the debate in committee of the whole.

On February 17, 1993, a motion was carried by the Assembly adopting a provisional rule change to the sitting hours of the House, until prorogation of the Third Session. The Speaker has been adjourning the Assembly each Wednesday upon the completion of oral question period, so that Members may have more time available for committee and constituency work. The standing committee would welcome the comments of all Members on their experience with this revised schedule. Mr. Speaker, Members will recall yesterday we rescinded the provisional rule which we implemented earlier on in this session.

The Standing Committee on Rules, Procedures and Privileges considered several issues relating to oral and written questions. The committee discussed whether time frames should be instituted within the rules for returns to oral and written questions. The standing committee is of the opinion that flexibility should be maintained with respect to oral questions, as this allows Members to raise concerns of immediate concern. However, the committee holds the view that a rule specifying the time frame for returns to written questions would assist the efficient functioning of the House. The committee is of the view that a rule should be instituted requiring returns to written question to be provided within 21 calendar days, unless the Minister indicates to the House in writing that more time is required.

The standing committee is of the opinion that no amendments to the rules are necessary with respect to the length of oral question period, or relating to preambles for oral questions.

The Standing Committee on Rules, Procedures and Privileges discussed the procedure by which the

Commissioner assents to bills. The standing committee holds the view that the current practice, by which the Commissioner grants assent within the chamber in public view, is the preferable method. However, the committee is of the opinion that assents may appropriately be granted elsewhere when circumstances require. The Clerk may then report to the Assembly that assent has been granted.

It was suggested to the Standing Committee on Rules, Procedures and Privileges that the rules might be amended to incorporate the procedure for the election of the Speaker and the Executive Council by the Territorial Leadership Committee, established in 1991. However, as these procedures are still evolving, the standing committee is of the view that it would be premature to bind the Assembly to this process at present.

The Standing Committee on Rules, Procedure and Privileges recommends that the rules be amended to provide a procedure by which the orders of the day may be set aside for emergency debate on a matter of urgent public importance. The question of whether a matter would properly be the subject of emergency debate would be subject to the ruling of the Speaker.

The Standing Committee on Rules, Procedures and Privileges considered matters relating to order and decorum within the chamber which were brought to its attention by Members. However, the standing committee is of the view that no amendments in this area are necessary at this time.

The Standing Committee on Rules, Procedures and Privileges reviewed the rules in light of the Official Languages Act, which establishes eight official languages for the Northwest Territories. However, the standing committee is of the opinion that the procedures of the House in this respect should remain flexible.

The Standing Committee on Rules, Procedures and Privileges is of the opinion that a rule should be added to reflect the current procedures for the tabling of documents.

The Standing Committee on Rules, Procedures and Privileges discussed the rules relating to private bills. These rules allow members of the public to introduce bills before the House, rather than having the bill introduced by an ordinary Member or by the Cabinet. As this procedure is not used, and as any bill requires the support of Members in order to be passed, the

standing committee is of the view that these rules should be deleted.

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It was brought to the attention of the Standing Committee on Rules, Procedures and Privileges, that the current rule allowing petitions to be presented to the House is not clear as to whether petitions may be presented only by Members of the Legislative Assembly or by members of the public. The rule has been interpreted to date so that petitions may be presented only through a Member of the Assembly. However, the standing committee is of the opinion that it would be consistent with the principle of open government to allow members of the public to present petitions to the House, by filing them with the Clerk. The rules would continue to allow Members of the Assembly to present petitions in the current manner.

The standing committee discussed whether amendments were required to improve the security of the Assembly chamber. However, the standing committee is of the view that no amendments are necessary in this area.

The Standing Committee on Rules, Procedures and Privileges discussed at length the views that Members provided with respect to the cultural relevance of the proceedings of the Legislative Assembly. The standing committee holds the view that amendments to the rules may be appropriate to better reflect the cultural diversity of the people of the Northwest Territories. It has been proposed that the rules requiring Members to bow to the mace be removed, and that other symbols be incorporated which better reflect aboriginal traditions, such as the symbol of the fire and the drum. However, the standing committee recognizes that further discussion is required among all Members before changes are incorporated within the rules. The standing committee would welcome the suggestions of Members on these matters.

During its comprehensive review, the standing committee included a focus on eliminating grammatical inconsistencies and gender bias within the rules, and on simplifying the language of the rules.

The standing committee came to the conclusion that these objectives could best be accomplished through a redrafting of the rules, to be presented to the Assembly in the form of a new rule book. The new rule book would also incorporate the amendments within the final report of the Standing Committee on

Rules, Procedures and Privileges that receive the approval of this Assembly.

The following recommendations are included in the final report of the Standing Committee on Rules, Procedures and Privileges:

#### Recommendation No. 1

That the rules be amended to specify that reports of standing and special committees shall not be taken into consideration until two sitting days have passed from the presentation of the report.

#### Recommendation No. 2

That the rules be amended to incorporate a requirement that returns to written questions be provided within 21 calendar days, unless the Minister indicates to the House in writing that

more time is required, specifies the reason for the delay and indicates the date upon which the information will be provided.

#### Recommendation No. 3

That the procedure for assenting to bills in the Legislative Assembly chamber continue as the usual practice of the Assembly, but that assents be given elsewhere when circumstances dictate, and be then reported to the House.

#### Recommendation No. 4

That the rules be amended to include a procedure for emergency debate on matters of urgent public importance, upon one hour's notice being provided to the Speaker; and further, that the Speaker shall rule on the question of whether debate shall be allowed.

#### Recommendation No. 5

That the rules be amended to include a rule allowing the tabling of documents and allowing a brief statement to be given which identifies the document.

#### Recommendation No. 6

That the rules establishing a procedure for the introduction of private bills by members of the public be deleted.

#### Recommendation No. 7

That the rules be amended to allow members of the public to present petitions to the Legislative Assembly

by filing them with the clerk, provided that such petitions contain a minimum of 25 signatures and address a public matter.

Recommendation No. 8

That a new rule book be drafted and presented to the Assembly for approval prior to the conclusion of the third session; and further, that the rule book incorporate the amendments approved by the Assembly from this report; and further, that the rule book incorporate revisions to correct grammatical inconsistencies and gender bias within the rules; and further, that the rule book incorporate revisions to simplify the rules.

Motion To Move Committee Report 16-12(3) To Committee Of The Whole

Mr. Speaker, that concludes the report of the Standing Committee on Rules, Procedures and Privileges. Therefore, I move, seconded by the honourable Member for Yellowknife South, that the final report of the Standing Committee on Rules, Procedures and Privileges on the comprehensive review of the rules be received by the Assembly and moved into committee of the whole for consideration. Mahsi.

**MR. SPEAKER:**

The motion is in order. To the motion.

**AN HON. MEMBER:**

Question.

**MR. SPEAKER:**

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

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---Carried

Item 10, reports of standing and special committees. Item 11, report of committees on the review of bills. Item 12, tabling of documents. Mr. Ningark.

ITEM 12: TABLING OF DOCUMENTS

**MR. NINGARK:**

Thank you, Mr. Speaker. I wish to table Tabled Document 96-12(3), a letter from mayor Uriash Puqiqnak, hamlet of Gjoa Haven. The letter contains

a request for a regional radio station in the Kitikmeot region. Thank you.

**MR. SPEAKER:**

Item 12, tabling of documents. Item 13, notices of motion. Item 14, notice of motions for first reading of bills. Item 15, motions. Motion 22-12(3), Condemnation of Federal Government Cuts to Funding for Northwest Territories Programs. Mr. Arvaluk.

ITEM 15: MOTIONS

Motion 22-12(3): Condemnation Of Federal Government Cuts To Funding For Northwest Territories Programs

**MR. ARVALUK:**

Thank you, Mr. Speaker.

WHEREAS, the federal government through the Minister of Finance announced a number of reduction measures in its economic and fiscal statement on December 2, 1992;

AND WHEREAS, the economic and fiscal statement outlines the reductions in three categories:

-programs where benefits are frozen, this category includes unemployment insurance benefit freeze and changes regarding voluntary quitters, science and technology, selected aboriginal programs and grants in lieu of taxes;

-grants and contributions reduced by ten per cent, this category includes regional and industrial subsidies, transportation studies, cultural subsidies and selected (unspecified) aboriginal programs;

-operating budget cuts, this category includes wage freeze and operating budget reductions for federal government departments and Crown corporations.

AND WHEREAS the full impact of these reductions in Northwest Territories programs and services are very difficult to identify;

AND WHEREAS this House has already expressed its displeasure with a ten per cent cut to the Canada-Northwest Territories cooperation agreement for French and aboriginal languages;

AND WHEREAS the federal government cuts may impact on such programs as art groups, aboriginal

groups, friendship centres, French language delivery in education, Arctic College literacy fund, industry, science and technology and in the Department of Indian and Northern Affairs;

AND WHEREAS the groups affected by these cuts have not been notified as to the impact they will have to funding groups;

AND WHEREAS the impact of the reductions to programs and services in the Northwest Territories is expected to be tremendous;

NOW THEREFORE I MOVE, seconded by the honourable Member for Inuvik, that this Legislative Assembly condemns the Government of Canada for its apparent lack of consideration to the people of the Northwest Territories with its expenditure reduction measures as contained in the economic and fiscal statement;

AND FURTHER that the territorial Minister of Finance make every effort to consult with his federal counterparts to ensure he is made aware of the effects of the federal expenditure reduction measures will have on people and groups in the Northwest Territories.

---Applause

**MR. SPEAKER:**

Thank you, Mr. Arvaluk. Your motion is in order. To the motion. Mr. Arvaluk.

**MR. ARVALUK:**

(Translation) Thank you, Mr. Speaker. I would like to speak briefly to this motion. My concerns have been raised in this House and in other places by those interested in the well-being of the people of the Northwest Territories. We all know the importance of federal government funding. We know that it is necessary to support many of the programs and services required in the north. We count on the assistance promised to us.

On December 2, 1992, the federal government announced a number of expenditure reduction measures. These were contained in the government's economic and fiscal statement. This statement was, in fact, a mini budget. The impact of the reductions to programs and services in the north are expected to be severe. While some programs will be exempt from these reductions, many of the important programs will be adversely affected.

The economic and fiscal statement contains three types of reductions. The first type of reduction is programs where benefits are frozen. This category includes reductions in unemployment insurance benefits. This will affect those people who voluntarily quit their jobs. Benefits to science and technology programs have been frozen. Benefits for certain aboriginal programs have been frozen. These programs have not been identified by the government.

The second type of reduction is grants and contributions which have been reduced by ten per cent. This category includes regional and industrial subsidies. It includes transportation studies as well as cultural subsidies being reduced by ten per cent. Grants and contributions and certain aboriginal programs have also been reduced by ten per cent.

The third type of reduction involves cuts to federal government operating budgets. This category includes wage freezes and operating budget reductions for federal government departments and Crown corporations. The impact of this category of reduction on the Northwest Territories will be felt by

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those receiving services directly from federal government departments and agencies.

The exact impact of all these reductions on Northwest Territories programs and services is very difficult to identify. Information from various federal government agencies has not been easy to acquire. Members of this Assembly know that the contribution amounts specified in the Canada-Northwest Territories cooperation agreement for French and aboriginal languages will be cut by ten per cent. The Government of the Northwest Territories has been left to work out how to make the required changes to its projects and programs.

Attempts have been made to determine what other cuts might be coming. The office of the Secretary of State in Ottawa was contacted. The office indicated that all Secretary of State contributions for all programs across the entire country will be reduced by ten per cent. The only exception to the ten per cent reduction are those programs supporting the disabled. Programs whose funding will be cut include: arts groups, aboriginal groups, and friendship centres. The national association of friendship centres has announced that the budget cuts could shove the organization back 15 years. This national

organization provides financial assistance to the 115 friendship centres across the country.

Mr. Speaker, we find it disturbing that the federal government continues to cut the most essential and fundamental cultural and social community resources, yet they do so, at a time when the needs of the people continues to grow. We find it equally distressing that there seems to be no analysis of the impact of these cuts.

The office of the Secretary of State was not able to tell us which programs would be affected in the Northwest Territories, our own government, the Department of Education, Culture and Employment Programs has identified three additional agreements which will be affected by these restraint measures.

The first agreement is the official languages in Education agreement. Approximately \$1 million is contributed to the NWT under this agreement. These funds support the following programs: French language bursaries; core French and French immersion; training for French language teachers; and, French language courses for adults.

The second agreement is the Canada scholarship program in industry, science and technology. This agreement provides \$20,000 for scholarships in technical education.

The third agreement provides support for the Arctic College literacy fund. The federal contribution for this fund is \$250,000. The Government of the Northwest Territories entered into these agreements in good faith. We expect the federal government to live up to its responsibilities.

The federal government has also announced that the NWT regional office of industry, science and technology Canada will be closed. The decision to close this regional office was a departmental decision based on the December 2, 1992, economic statement. The specific programs which will be affected by the closure of the NWT regional office include: economic development, tourist information services, business information services and export promotion. The NWT regional office indicated that they hoped that the programs, previously delivered through the regional office will be delivered through other means. The means of delivering these programs are still being worked out by federal government officials.

Discussions are under way among federal government departments regarding the continued delivery of certain industry, science and technology programs. The federal government hopes to deliver some of these programs through the Yellowknife office of the Department of Indian and Northern Affairs. In particular, responsibility for the economic development program will be transferred to the Department of Indian and Northern Affairs. Alternative means for the delivery of the remaining programs are still under investigation. All Department of Indian and Northern Affairs programs will be affected by the recently announced expenditure reduction measures.

The details of expenditure reductions and the impact on NWT programs and services are currently being worked out by the federal government. This information has not been made available to the people or the Government of the Northwest Territories. We, in the Northwest Territories, are trying to build a foundation, a foundation of economic, cultural and social well-being for our children and for all future generations. We thought that the federal government appreciated the importance of our efforts. I guess we were wrong in this assumption.

I encourage Members of this House to join me in condemning the Government of Canada for its apparent lack of consideration to the people of the Northwest Territories. I seek your support in urging the territorial Minister of Finance to find out how the federal expenditure reduction measures will affect people and groups in the Northwest Territories. I urge you to support this motion today. Thank you, Mr. Speaker.

**MR. SPEAKER:**

Thank you, Mr. Arvaluk. Seconder of the motion, Mr. Koe.

**MR. KOE:**

Mahsi, Mr. Speaker. I am very pleased to be able to second this motion today. I would like to commend my honourable colleague for Aivilik for bringing it forward. I would also commend him on his very thorough overview of the specific cutbacks which have been imposed with the December 2 statement made by the federal Minister of Finance.

Mr. Speaker, the language in this motion is strong. The motion calls on this House to condemn the Government of Canada for its apparent lack of



consideration to the people of the Northwest Territories. I am not a Member who believes in using such a strong approach, unless it is absolutely necessary, but I believe in being direct, straightforward and I will speak up when something is wrong. In this case, Mr. Speaker, I fully support sending this message to the federal government. I have been appalled, as many Members of this House have been, with the stance the federal Minister of Finance and his colleagues have taken on this and other issues.

There is a federal election and now the Progressive Conservative leadership conference is approaching. We have seen the true level of interest which this federal government

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has with respect to the people and the Government of the Northwest Territories.

Mr. Speaker, these funding cuts will impact on the north in a way that will set back our progress for many years. Yet, there is relatively little concern for this within the House of Commons and nothing but generalities and rhetoric from Ottawa bureaucrats.

I am particularly troubled by three features of the impact of these federal decisions on northern communities. First, there is a disturbing trend we are seeing at the federal level with respect to the lack of consultation and communication with the Government of the Northwest Territories. We have seen it recently with respect to the decision to sign a pact with the United States protesting cruise missiles over the peaceful Mackenzie Valley. My honourable colleague from Nahendeh spoke about this clearly earlier in this session.

We have seen a failure to communicate on matters surrounding the fiasco with project Nordic Reliant. Whereas my honourable colleague from Deh Cho told the House, military personnel were caught poaching our caribou and the federal authorities have not even apologized.

We have seen this with respect to the devastating cuts and funds for social housing and cuts for aboriginal and French language programs that we have raised in this House. We have seen it in the way the Prime Minister has cancelled a scheduled meeting he had with our Premier. The Minister of National Defence, the Honourable Kim Campbell, has not even bothered to respond to our written concerns.

#### **SOME HON. MEMBERS:**

Hear, hear.

#### **MR. KOE:**

Mr. Speaker, the population in the Northwest Territories is small, but it is also very important to Canada. The north is no longer a place where federal politicians and bureaucrats can make high-handed decisions in Ottawa and impose them on our residents without consultation and communication. That time has passed, Mr. Speaker, and it will never return.

I am dismayed and angered by the lack of consideration shown to the people of the Northwest Territories and to this House by the federal government's failure to consult with us about what these funding cuts will mean to the north. If they had, they would have learned many reasons to proceed cautiously. Perhaps that is why they chose not to.

Mr. Speaker, I am concerned about the matter before us for a second critical reason. For many years the people of the Northwest Territories have been committed to the principle of aboriginal self-government and to the establishment of separate homelands for the Inuit and the people of the western Arctic. These funding cuts endanger both these legitimate goals, Mr. Speaker. The cutbacks will strike a blow right into the heart of the literacy initiatives that this government has worked so hard to develop. It will impact heavily on the important work carried out by friendship centres, places like Ingamo Hall in my own constituency of Inuvik, in terms of training and social and recreation programs.

They strike a blow against our native communication societies and against the excellent work that has been carried out by aboriginal media to raise awareness of aboriginal and political issues. It will damage our cultural institutes, it is widely recognized that our cultural heritage forms the basis of our political and social strength.

Mr. Speaker, I am mystified as to how a federal government can, on one hand, indicate its support for political and constitutional development in the Northwest Territories and, on the other hand, pull the rug out from underneath us. Without training, without social programs, without an intact cultural base from which to operate, people of the Northwest Territories will never be able to attain the goals we want to see in the future.

These funding cutbacks endanger our ability to prepare for Nunavut, they endanger our communities in the western Arctic, they endanger the goals that elders and leaders in our communities have been working toward for many years, long before many of us honourable Members here decided to enter political life. We cannot continue to sit by silently.

Mr. Speaker, there is a third point I would like to stress. Over the past six years, the Government of the Northwest Territories has taken specific steps toward economic growth and development that have not been precedented in our history. We are making some progress, Mr. Speaker, but it has been slow and hard.

The announced freeze on funding for science and technology programs, the reduction of transportation subsidies and the loss of other programs will have the potential of slowing this progress even more, and particularly concern both the decision to close the Northwest Territories regional office of Industry, Science and Technology Canada. As Mr. Arvaluk mentioned, this will affect such areas as tourist awareness initiatives, export promotion and business information services. Mr. Speaker, these are precisely the areas we cannot afford to lose. A lack of consultation, a threat to Nunavut, constitutional development in the western Arctic and a strike against our economic development potential. That is what the economic and fiscal statement introduced by the federal Minister of Finance represents to the people of the Northwest Territories.

No one can argue about the need to gain better control over government finances and achieve a more successful deficit management program at the federal level. However, Mr. Speaker, it is wrong to try to do this on the backs of the people of the Northwest Territories, who already face economic and environmental pressures which are foreign to the rest of the country. Direction taken by the federal government in this respect is outrageous and cannot be tolerated.

That is why the motion says this House condemns the Government of Canada for it and that is why I am supporting the motion. I urge all my honourable Members to join us by voting in favour of this motion and supporting the Premier and the Minister of Finance as they work to make their federal counterparts aware of our concerns. Mahsi, Mr. Speaker.

---Applause

**MR. SPEAKER:**

Thank you, Mr. Koe. To the motion. Mr. Patterson.

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**MR. PATTERSON:**

Thank you, Mr. Speaker. I would briefly like to speak in favour of this motion and recite some of the frustrations of one organization in my constituency, and there are others, most notably the broadcasting bodies that are doing such important work throughout Nunavut, has been coping with in facing the financial pressures while trying to do its good work in my constituency and in the region, that is the Baffin Region Inuit Association.

Mr. Speaker, ten years ago the annual core funding to BRIA was about \$400,000. Last year, it has eroded to just over \$200,000. I am told by Mr. Keyotik, the president of BRIA, that every year since 1986 the Baffin Region Inuit Association has had its core funding cut. Every year, Mr. Keyotik submits budgets to the Secretary of State forecasting their expenses for the work they want to do in the region in the coming year. Every year, in recent years, a reply comes back in a form letter announcing further reductions. Mr. Speaker, the Baffin is the largest region in the Northwest Territories. It can easily cost \$50,000 merely to hold a meeting of the directors of the board for all 13 communities. The organization has a core staff of four including the president. They are pursuing a wide variety of issues from all 13 communities, ranging from PanArctic's ocean dumping, the James Bay II project, renegotiation of migratory birds convention, literacy projects in young offenders' facilities in the Baffin correctional centre, the founding of the Baffin youth council and, equally important, BRIA has been the critical organization for representing the interests of the Inuit of the region with respect to the Inuit land claim and Nunavut.

Their hard pressed staff are trying to undertake these important tasks, while spending most of their time worrying about their financial situation and raising funds. Mr. Speaker, I used to work for a struggling organization of that kind that was dependent on the federal government for its funds. I can tell you it is very demoralizing when you have to worry about doing your work, but also worry about financial survival and fund raising. I am very pleased to speak in support of this motion and hope the Government of Canada hears our pleas, hears about the importance of the work being done in the Northwest Territories,

and considers it an investment in the future of this country to provide an adequate level of support for this important work. Thank you, Mr. Speaker.

**MR. SPEAKER:**

Thank you, Mr. Patterson. To the motion. Mrs. Marie-Jewell.

**MRS. MARIE-JEWELL:**

Thank you, Mr. Speaker. Mr. Speaker, along with other Members, I fully support the motion put forth. I certainly am concerned and I have heard growing concerns from many different areas in the Northwest Territories of receiving reduced funding by the federal government. I am particularly concerned with respect to the amount of reduced funding which is having to be absorbed by the friendship centres and the Metis Nation, funded by the Secretary of State. These particular organizations provide fundamental services to many of the aboriginal people in the north. What concerns me, Mr. Speaker, is that, particularly for the Metis Nation, they cannot go to DIAND and ask them for funding that is provided to bands and other organizations.

My constituency has a large number of Metis people and there is no doubt that there will be a ripple effect with respect to the federal funding cuts which are being proposed. This is only one portion of a part of funding cuts with regard to the federal government towards the treatment to the northern people. As I had said last week, and I will say it again this week, when we discussed another motion with respect to funding cuts on the NWT agreement for French and aboriginal languages, at some point in time we are going to have to take a drastic step, I know it has been done in the past, of this Legislature going to Ottawa to indicate the necessity of the amount of funding that people in the north need to do their jobs effectively, particularly, these organizations. I do not believe that the understanding in Ottawa and the sympathy is there for the north, which is very unfortunate.

I think sometimes the attitude is that we have 55,000 people and our \$1.2 billion budget should be adequate, not taking into consideration our demographics, our cost for travel and our cost for services to be provided to the people of the Northwest Territories. So, it is with pleasure that I support my colleagues and I commend Mr. Arvaluk and Mr. Koe for bringing forth this motion. We certainly would like to see the federal government be able to assist in

delivering programs in the Northwest Territories by not cutting the funding. If you do not have funding, you are very limited now in the monetary society we live in to be able to do anything effectively. Thank you.

---Applause

**MR. SPEAKER:**

Thank you, Mrs. Marie-Jewell. To the motion. Mr. Antoine.

**MR. ANTOINE:**

Mahsi, Mr. Speaker. I would like to speak in support of this motion. I say that because of the attitude the federal government has toward people of the Northwest Territories. This is reflected in some of the recent decisions the federal government has made. I make reference to the agreement between Canada and the United States on the cruise missile testing for another ten years without our consideration in the Northwest Territories. I say that because of the attempted dumping of metal waste in the Arctic. These decisions reflect the attitude the present federal government has toward people in the Northwest Territories. It is further reflected again in the cuts to funding to Northwest Territories programs. Some of the areas where they want to cut are in grants in lieu of taxes. This is going to hurt our municipalities where aboriginal people live and where there are federal government operations.

Mainly in the western Arctic in treaty areas there are grants in lieu of taxes which are given to the municipalities on behalf of treaty Indians. That is going to hurt the municipalities and is going to directly affect treaty Indians in these communities. The friendship centres are going to be cut. We have received letters from them saying they are going to close down their doors for a day in protest of these cuts. As a representative for people in my area where there are friendship centres, I find myself in a situation where I am unable in the House to do anything to help them.

In the area of industry, science and technology in the Department of Indian and Northern Affairs, there was funding towards aboriginal people to get involved in economic development. A cut in that area is going to hurt in the initiatives that some people in communities are trying to do.

Because of that, I support this motion fully. Mahsi Cho.

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---Applause

**MR. SPEAKER:**

Thank you, Mr. Antoine. To the motion. Mr. Arngna'naaq.

**MR. ARNGNA'NAAQ:**

Thank you, Mr. Speaker. I would also like to express my deep disappointment with the federal expenditure cuts. I fully support this motion as it directly affects the jobs held by aboriginal people. At a time of recession, it would be understandable if the federal government cut spending to the have-provinces. However, for a have-not territory, such as ours, it has multiple impacts on our communities. The short time in which this government has been trying to become independent will be set back by a number of years, as our honourable colleagues have stated.

The majority of people in the Northwest Territories are dependent on government assistance, not only the people are dependent on government, but also our fragile economy is heavily dependent on government. When a government, such as the federal government, has been nurturing a body such as ours, then the goals set by our government cannot grow into a contributor to the rest of Canada unless we are further nurtured until we are fully able to contribute.

I believe, Mr. Speaker, that the vast territory in which we live in can become a contributor to the rest of Canada and I believe the natural resources are here. These are the only areas which have not been explored.

The cuts which the federal government will be making will threaten the livelihoods of the people in the north, those who live on the programs which the federal government at this point have been carrying.

Mr. Speaker, we have known for quite some time now, but the people it affects are the people in my riding and in other people's ridings from this Legislature as well. I spoke to a number of people in my community who were going to be directly affected by these cuts. They had some very strong opinions about these cuts because it will affect their livelihood. Mr. Speaker, I am proud today to support this motion. I also would like to commend Mr. Arvaluk and Mr. Koe

for bringing forth this motion. Thank you, Mr. Speaker.

**MR. SPEAKER:**

To the motion.

**AN HON. MEMBER:**

Question.

**MR. SPEAKER:**

Question has been called. The mover of the motion has the opportunity to conclude debate. Mr. Arvaluk.

**AN HON. MEMBER:**

Question.

**MR. SPEAKER:**

Question has been called. A recorded vote has been requested. All those in favour please rise.

Recorded Vote

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

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

**MR. SPEAKER:**

All those opposed please rise. All those abstaining please rise. The results of the vote, 19 voting in favour, no one voting against and no abstentions. The vote is unanimous.

---Applause

---Carried

Item 15, motions. Item 16, first reading of bills. Item 17, second reading of bills. Item 18, Consideration in committee of the whole of bills and other matters, Tabled Document 2-12(3), The Justice House - Report of the Special Advisor on Gender Equality; Tabled Document 3-12(3), Report of the Commission for Constitutional Development; Tabled Document 19-12(3), 1992 Master Plan for Corrections Service Division; Bill 5, An Act to Amend the Social Assistance Act; Bill 17, Appropriation Act, No. 2, 1993-94; Committee Report 10-12(3), Report on

Tabled Document 21-12(3): Payroll Tax Act; Committee Report 11-12(3), Report on the Review of the 1993-94 Main Estimates; Committee Report 12-12(3), Interim Report No. 4 - Talking and Working Together; and appearance by members of Commission for Constitutional Development with Mr. Pudluk in the chair.

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

**CHAIRMAN (Mr. Pudluk):**

This committee will come to order. What is the wish of the committee? Member for Thebacha.

**MRS. MARIE-JEWELL:**

Mr. Chairman, we would like to deal with Tabled Document 3-12(3), Report of the Commission for Constitutional Development. Thank you.

**CHAIRMAN (Mr. Pudluk):**

Does this committee agree?

**SOME HON. MEMBERS:**

Agreed.

---Agreed

**CHAIRMAN (Mr. Pudluk):**

Thank you. Member for Thebacha.

Motion To Extend Sitting Hours

**MRS. MARIE-JEWELL:**

Mr. Chairman, I would like to move that we extend sitting hours until this item is concluded.

**CHAIRMAN (Mr. Pudluk):**

The motion is in order. To the motion.

**AN HON. MEMBER:**

Question.

**CHAIRMAN (Mr. Pudluk):**

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

---Carried

We will deal with Tabled Document 3-12(3), Report of the Commission for Constitutional Development. We will take a short recess.

---SHORT RECESS

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Tabled Document 3-12(3): Report Of The Commission For Constitutional Development, Appearance By Members Of Commission For Constitutional Development

**CHAIRMAN (Mr. Pudluk):**

Does the committee wish to invite J.W. Bourque, chairperson, George Braden, deputy chairperson, Mr. Francois Paulette, Ms. Bertha Allen and Mr. Richard Hardy into committee? Agreed?

**SOME HON. MEMBERS:**

Agreed.

---Agreed

**CHAIRMAN (Mr. Pudluk):**

Mr. Kakfwi, before you make your opening remarks, can you introduce your witnesses for the record. Thank you.

Introductory Remarks

**HON. STEPHEN KAKFWI:**

Thank you, Mr. Chairman. It is a pleasure to welcome the members of the commission for constitutional development to the Legislative Assembly. I wish to invite them to present their report, Working Towards A Common Future. Mr. Jim Bourque is the chairman of the commission. Members are Ms. Bertha Allen, Mr. George Braden, Mr. Les Carpenter, Mr. Richard Hardy and Mr. Francois Paulette.

The objective of this constitutional initiative is to develop a constitution and a structure of government for a western territory to be established by 1999. The commission's mandate for the first phase of the project was to research and review previous constitutional proposals, fund appropriate organizations to enable them to prepare and refine positions on constitutional development, hold meetings in as many communities as possible and otherwise communicate with and consult the public, and complete a report which summarized the public's

response and offers suggestions for principles and options for a new constitution. The commission was asked to complete phase I of the report before the May 4, 1992, plebiscite on the boundary for division.

Members should know that this is not a new initiative, as Inuit leaders have been working to create a Nunavut territory since the 1970s. In 1982 the Legislative Assembly and aboriginal organizations created the constitutional alliance of the NWT and its two subsidiaries, the western and Nunavut constitutional forums. These were to recommend a boundary for division and to propose principles for constitutions and governments for the Nunavut and western territories. I had the privilege to serve as a member, as chairman of the western forum for most of its term. The highlights of this period were the plebiscite on division in April, 1982, and the Iqaluit agreement of January, 1987. However, the project was forced to go on hold until claims boundaries between the Inuit and Dene could be finalized.

Commitments from the federal government to divide the Northwest Territories included in the TFN's land claims agreement in principle in 1990, and the final agreement in 1992, have urged western aboriginal leaders and MLAs to form an informal committee of political leaders to establish a process to prepare the west for division.

The 1990s has seen the implementation of smaller land claims with a greater regional and community focus. Also, aboriginal people are setting different goals and following different paths. The desire of Treaty 8 Dene to pursue treaty land entitlement, rather than claims is one example. These events have made it even more challenging to structure a process in the west which can credibly represent all residents and all regional and cultural interests.

In the spring of 1991, the committee of political leaders developed terms of reference for a commission for constitutional development and selected five commissioners. The Legislative Assembly approved the terms of reference, appointed a sixth member and advised the government to provide funding. The commission began its work in July, 1991, and the deadline for the phase I report was April of 1992.

The chairman and his colleagues tackled this difficult task with enthusiasm. They succeeded in forging a relationship which would enable them to build a consensus on issues which could have forced them into conflict. They devoted considerable energy to

community consultations and they were determined to reflect the opinions they obtained in their final report. Finally, they succeeded in releasing the report, Working Toward A Common Future, on schedule, in advance of the plebiscite on the boundary for division. The report underlines the extent to which individual rights and collective aboriginal rights are intertwined as well as the extent to which many participants look toward community and regional institutions as vehicles of progress.

The project of developing a constitutional plan for the west is far from done. A work plan for the next stage in this process has been completed and will be brought to this House for consideration in due course.

Today, however, I want to welcome on behalf of the Members of this Legislature, Mr. Bourque and his fellow commissioners and to thank them for a job well done.

---Applause

I am sure the comments and advice you have to offer us today will be every bit as useful as your official report and I am pleased you have the opportunity, finally, to add your personal observations to the public record. Mahsi.

**CHAIRMAN (Mr. Pudluk):**

Thank you, Mr. Kakwi. I wonder if Mr. Bourque would like to make any opening remarks.

Presentations By Members Of Commission For Constitutional Development

**MR. BOURQUE:**

Mr. Chairman, thank you very much for inviting the commission to appear before the committee of the whole. With your permission, my colleagues and I will take the committee through the commission's report and, hopefully, this will contribute to some debate. To begin, I think it would be useful to do a brief summary of how the commission accomplished their work.

The commission was established in the summer of 1991, with a mandate to recommend principles and institutional options for the new western territory, following division. To stimulate

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debate and provide some background information, the discussion paper entitled, "How Can We Live

Together?" was released in the fall of 1991. Funding was provided to aboriginal organizations and a number of other public interest groups to stimulate input into our report.

Public hearings began in November, 1991, and we visited 12 communities before Christmas. Early in January we held a workshop in Calgary where we brought in constitutional experts and leading lawyers across the country dealing with aboriginal rights. Based on the information we received from the first round of hearings and the results and recommendations from the workshop, we released an interim report in February, 1992. This report was released to the public to test whether we were on track or whether we were hearing accurately what the public have to say.

After that, aboriginal organizations and public interest groups received additional funds to be able to respond in detail. Another round of public hearings was held in March and April in nine communities. I would like to add that some of these smaller communities came to the public hearings in the larger communities. We tried to cover as many communities as possible. During February and March, individual commissioners travelled throughout the territories. At that time we covered every community in the territories, holding informal information sessions to explain what the interim report was all about. The final report was completed and presented to the political leaders in late April.

I would like to say here that the commission did not feel it was our responsibility in any way to lead public opinion. What we sought to do was gather information as much as possible from the public. These are copies of the transcripts of testimony which we received in public hearings. We tried as best as we possibly could to reflect the views of the public in a short report. That was our main objective.

We feel very strongly that leading public opinion is a job of politicians, and we are non-political. We wanted to, as much as possible, relay or convey what we heard at the community level.

Mr. Chairman, with that I would like to ask Mr. Braden to do an overview.

**CHAIRMAN (Mr. Pudluk):**

Thank you. Mr. Braden.

**MR. BRADEN:**

Thank you, Mr. Chairman. Before each Member provides some comments on specific sections and recommendations of the report, I think it is important to outline the context in which the commission operated and some of the things which have transpired since we have concluded our work last year.

First, as our chairman has said many times in previous appearances, the Northwest Territories, as we have known it for the last two decades, is on the verge of significant change and, indeed, is going through change constitutionally and politically right now. During its operation, the commission was very much aware of territorial and national events which would eventually contribute to change. I will list a few of them which have taken place since we have concluded our work. For example, on March 4, 1992, residents voted in favour of a boundary to divide the Northwest Territories. Since then, the Gwich'in claim with its self-government framework agreement has been proclaimed by parliament. The Sahtu Dene and Metis are close to a similar agreement with the federal government. The Dogrib nation is proceeding with regional claims negotiations. Dene in the South Slave are using the treaty land entitlement process to renegotiate their treaty. This, we understand, has some implications for Metis and, perhaps, Mr. Hardy can comment on that later. Inuvialuit have expressed interest in pursuing regional self-government negotiations with Ottawa. Our government is proceeding with an ambitious community transfer program. Legislation is expected to be tabled before the House of Commons in the coming weeks to ratify the TFN claim and establish a Nunavut territory. We understand, as Minister Kakfwi indicated a moment ago, that agreement has been reached on proceeding with the next phase of developing a western constitution and institutions of government.

Mr. Chairman, presentations to our commission overwhelmingly endorsed the need for change to our system of government. I think the list which I have just provided to you clearly demonstrates that during the life of the commission change was already taking place or was clearly being contemplated for the near future. That is the context in which we were operating and, presumably, it will be the context within which phase II will have to operate, as well.

Second, when the commission was conducting hearings and preparing its reports, it was expected that the Canadian Constitution would be amended as well. A number of major achievements were made by northern Legislatures, northern governments and

aboriginal peoples in the package which Canadians voted on last October. The Charlottetown accord, particularly as it related to the inherent rights of aboriginal people, would have complimented and supported the work of this commission. However, the accord was rejected by Canadians and the consequences of this decision will have to be taken into account in the next phase of developing a constitution and institutions of government for the west. While we suffered a set back last October, numerous opportunities exist from a legal, constitutional and political basis in the north which we know are not present in the south where aboriginal peoples do not form a majority and where provincial governments are firmly in place.

So, that is another issue that phase II is going to have to take into consideration. There will be some measures, nationally, which may have some impact on your work. For example, the recommendations of the royal commission but by and large you are not working with that kind of framework which was in place in the Charlottetown agreement.

The commission's final report presents principles to guide constitutional change, develop a new model of government, and a draft bill to assist in the next phase of work on the new western territory constitution. We have said that the commission's report is not the final blueprint but it represents the best effort we could produce in the time available. More over, it does not represent the ideal that anyone of us or the public may wish, but we believe it is a starting point for the next phase.

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Last April, we reported that the commission had gone as far as it could under its mandate and we are pleased to be present today to discuss the product of our work. We are pleased, as well, Mr. Chairman, that an accommodation appears to have been reached among western leaders to start phase II of the process.

I would now like to ask Ms. Allen to address a couple of the initial sets of principles and recommendations in the report. Thank you, Mr. Chairman.

**CHAIRMAN (Mr. Pudluk):**

Thank you. Ms. Allen.

**MS. ALLEN:**

I will be commenting on the name and geographical area for the territory. First, a constitution must state the name and describe the geographical area of the new western territory. During our hearings there was overwhelming support for the principle that the new territory name should be taken from an aboriginal language. The commission recommended the selection process for the new territory's name decided on in phase II.

**Foundations Of New Western Territory**

Secondly, there was general support for the principle that a western constitution should affirm our collective identity and aspirations. Therefore, we recommended that a constitution should contain a preamble which describes the peoples who inhabited and settled the territory, as well as a statement on the values which we all have in common.

The commission also believed that phase II should develop the statement which would identify the fundamental responsibility we individually and collectively have to each other, and the physical environment where we live.

**The Fundamental New Rights And Social Charter**

The commission gave particular attention to the principle that both individual and collective rights should be reflected in a constitution for the west. For example, we recommended that the rights and freedoms set out in the Canadian Charter of Rights should be re-affirmed. We recommended that more work be done in phase II on women's rights, seniors' rights, humans' rights, workers' rights and environmental rights. A major recommendation was made with respect to the need for a social charter which should include a statement of social principles and governments' obligation to achieve these principles.

**MR. BRADEN:**

Mr. Chairman, Mr. Paulette will now provide some comments.

**CHAIRMAN (Mr. Pudluk):**

Thank you. Mr. Paulette.

**MR. PAULETTE:**

I am going to take the privilege of standing up. I have been sitting for a couple of hours and I feel like I need to stretch. I want to slow the process down a bit. I



want to say there are members of the Treaty 8 Tribal Council who are sitting in the back. Some are chiefs, speakers, councillors and managers. They are here on a workshop to develop a framework for the kind of government they want in their area. The process is happening along with their negotiations. I also wanted to say that it is with great pleasure that I am here speaking. My prime focus today is going to be on treaties. I am taking this time because I know many Members do not have an understanding of when we talk about treaties. It is very crucial, important, and paramount that Members of this House understand this.

I belong to the Chipewyan nation. I am with the Treaty 8 made in 1899. I also want to say that 1993 has been declared the international year of indigenous people. The theme is called "a new partnership." For me to understand that and for other people to understand it took 500 years to arrive and to accept the concept of partnership. Twenty years ago the Government of Canada recognized, for the first time, aboriginal rights. It was also 20 years ago that caveat, the Paulette case, ruled in favour of Treaties 8 and 11 in the Northwest Territories. Judge Morrow's ruling declared that aboriginal people had over 450,000 square miles of land, rights and interest.

I want to remind you that in 1967 the Government of the Northwest Territories came into existence. This government came into existence without the consent of treaty First Nations. In 1969 the Government of Canada introduced the white paper. The white paper was to assimilate all Indian people in Canada, to put them into the mosaic of what they call "Canadians" where they would do away with their rights, their reservations and so on and so forth. Treaty First Nations in southern Canada south of the 60 parallel lobbied to squash this move and they succeeded. However, north of the 60 parallel this white paper is the blueprint of what is taking place here today. Whether we accept that or not, is another issue. We have been using this word "assimilation" and the white paper is just that.

The oral proclamation in 1763, recognizes Indian sovereignty and their nationhood. It recognizes treaties as making process and protocol from the international perspective. There was an agreement by consent that no one nation would alter, diminish or unilaterally change the direction of those agreements, unless there was consent.

Treaty 8 was made in 1899, Treaty 11 in 1921. This land we all live on, north of the 60 parallel, up to the

Arctic coast into the Delta, is a remnant of treaties. When we talk about treaties, the government has their concept of treaty and their obligation to First Nations. I have handed out copies of Treaties 8 and 11. These are the government's fulfilments to treaties. The versions of First Nations is not what you will find in this book. We talk about a great law, and this great law is "as long as the sun shines, the river flows and the grass grows, that we live in peace and harmony." There is no man-made law, or any other law, that supersedes that great law. Treaty 8 and Treaty 11 members still stand by that great law.

Treaties are based on international protocol and consent. It is bilateral, it is nation to nation. If you look on page six, on the report of commissioners, in the third paragraph, it says "We assured them that the treaty would not lead to any forced interference with their mode of life." This mode of life is what they are talking about in the law, this balance, this harmony with nature, spiritually, emotionally, mentally and physically, they will not interfere with that way of life.

It also continues to say that it opened the way to the imposition of any tax. It is black and white. Our people are taxed to this

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very day, including the GST that we have to pay. Those are not fulfilments of treaties.

If you turn to page 12, the third paragraph says, "The said Indians do hereby seek release, surrender up to the Government of the Dominion of Canada for Her Majesty the Queen and her successors forever, all of their rights, titles and privileges whatsoever to the lands included within the following limits."

My dear friends, in my language, there is no word for "surrender" so how can we have consented to something of that magnitude? You expect the treaties to say "yes" and if they told them "From here on, you are not going to own your land or your rights to the air or the water," that treaty would never have been made.

Foremost, the Indian Act was made in 1867 by the virtue of the BNA Act, that was never told to the Indians when the treaties were being made. When we say "bilateral process" it has to be recognized and confirmed by the treaties. The Imperial Crown, the Government of Canada, is under a continuing obligation to deal directly with the First Nations' signatories to treaties.

According to international and Canadian law, treaties cannot be unilaterally interpreted, denied or limited. A fully informed and written consent is required by both parties to treaties prior to any changes in this bilateral relationship. No form of consent or altering, diminishing, affecting our extinguishment of bilateral relationship has ever been given up by the First Nations' signatories to treaties. We have never given up that consent. We have never surrendered that. "The First Nations' signatories to treaties hereby served notice upon Canada that any other process now, and in the future, not agreed to by the treaty First Nations is a violation of the sacred treaty relationship." This great law is unacceptable.

Treaties entered into between treaty First Nations' signatories and the Imperial Crown sets out the special relationship and obligations flowing from those treaties. The First Nations have a unique and special position in this bilateral process which I am referring to. We are a sovereign and independent nation with our own pre-existing laws, principles and forms of government. We enter into treaties of peace and friendship done by consent. Any changes or amendments to any sections of the Constitution of 1982, including section 91.24, must reflect the spirit and the intent of the treaties as understood by the treaty First Nations. All other amendments must have the consent of treaty First Nations.

My friends, this includes this House. Any changes that you must make in respect to programs and services that flows from treaties, you have to have the consent of treaty First Nations. You cannot bypass that because the consent is what makes treaties. It is very important that we understand this. I am saying this because I do not think the treaty position is ever going to surface in this House, not for a long time, because with this forum we have a very broad, lateral process.

Section 91.24 of the Canadian Constitution is where the Northwest Territories Act is found. The northern accord which you speak of is what the treaty First Nations calls "LRT", lands, revenue and trust. To make any changes to LRT or the northern accord you need the direct consent of treaty First Nations. You cannot unilaterally do that and expect the northern accord to be transferred to this government. The treaty First Nations sitting in this House should understand that.

Community transfers initiative implementation plan, programs and services, section 91.24. You have to have direct consent by treaty First Nations.

Consultation does not enter into the discussions, it is consent.

#### The Status Quo

Everyone talks about the status quo. The way the Treaty 8 First Nations see this, this year is the status quo. This is not acceptable to treaty First Nations and we probably will not embrace this institution for a long time.

When we talk about constitutions and legislation, you do not have to have amendments to the Constitution or legislation to fulfil treaties, it is already there. You do not have to have constitutional amendments or legislation to fulfil this great law, as long as the sun shines the river flows and the grass grows.

#### Aboriginal First Nations

In this text when we talked about aboriginal self-government, many people spoke about different forms of government. There was exclusive aboriginal governments that were expressed. Treaty First Nations and Metis Nations talk about these types of governments, based on their culture that reflects their nationhood. People talk about treaty First Nations, especially Treaty 8, and the Deh Cho region talked about exclusive aboriginal government based on treaties. There were other people who wanted a combination of aboriginal and public government. That also has to be taken into consideration and finally, public government. If you go through the document, public government was hardly even mentioned. Every treaty First Nations has to be treated according to their treaties, the relationship they have with the Government of Canada.

Interim government has to ensure and support that special relationship with the Government of Canada because treaty First Nations are the only people who have that relationship. This interim government has to relinquish the areas of programs and services to treaty First Nations because that is where it belongs. If you want to talk about transfer, you have to relinquish that to the treaty First Nations because they are the ones who should be administering and should be responsible for the programs and services which flow through treaties.

This treaty making process has been with us for 94 years. When treaty First Nations talk about treaties, it means consent, it means bilateral consent with the Government of Canada. We have to begin to support that when things are changing rapidly here. When

Treaty 8 people stand up and say, "We want our own exclusive government," that is exactly what they are talking about because it comes from treaties. Ninety four years, compared to 500 years is very short. Just in the last few years we have begun to talk about self-government. I hope this House can begin to entertain the concepts of nationhood from where the treaties are coming from, to begin to support them.

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Finally, your Minister, Mr. Tom Siddon, in Vancouver, British Columbia, set out parameters of a treaty commission. To quote him, he said, "Many people still do not understand the purpose of the treaty commission. Many people believe it is being established to actually negotiate treaty agreements." He continues, "The B C treaty commission is there to facilitate, rather than negotiate, or as the First Nations leadership have suggested, act as people of the process. This very subtle difference speaks volumes about what we have learned over the past few years in this province."

I suggest this very strongly if you want to talk about setting up another procedure for the constitutional process. I also recommend you set up a pilot process for a treaty commission where a process is happening, where you are beginning to fulfil and beginning to understand the making of treaty because it is happening right now in Treaty 8. There are Treaty 11 people who are also pursuing that, so it is happening, it is in the works, we have to deal with it. We cannot put our heads in the snow and expect things are going to be all right. We have to deal with it, it is there.

As I have said, I am probably never going to have another opportunity to talk about treaties. There is probably never going to be another chief who is going to come in here and talk about treaties. That is why I am taking this time to slow down and talk about treaties, from where we see it. It is very important. I honour you for listening to me.

---Applause

**CHAIRMAN (Mr. Pudluk):**

Thank you. Are there any further general comments? Mr. Bourque. Mr. Hardy.

**MR. HARDY:**

Thank you, Mr. Chairman. I am going to speak on those parts of the report which deal with orders of

government and the concept of district governments. The whole concept of orders and districts can be summarized in the first recommendation which appears on page 25 of the report. That recommendation reads,

"The commission recommends that the new western territory constitution affirm that all authority to government belongs to the people, collectively and flows collectively to the people collectively and flows collectively from them to their institutions of government."

At first glance that may seem like something which is common sense and straightforward. However, if you look at that recommendation in the context of the theory on which this government and this House is established you will see that this is an extremely revolutionary concept. It is revolutionary because the theory on which this government and this House is founded originates some three, four, maybe five hundred years ago when at some point in time the British Crown is supposed to have taken complete sovereignty over all the lands we now occupy. That is the origin on which your government is created and the notion then is that by whatever means the British Crown achieved this authority, it achieved all authority and it is only from the British Crown that our modern day governments get any authority. The flow of that authority began supposedly in 1867 with the British North America Act. When notionally, Queen Victoria said, "All right, you people who are living in Canada, I am going to give you some authority to govern yourselves, and my authority which I give to you, I am going to divide between two types of government, one called the federal government and the other called provincial governments." That authority will be divided in what we now know today as sections 91 and 92 of the British North America Act.

There is no provision made in that act for territorial governments having any authority. As a result of that, those parts of Canada that were not provinces, remained completely under the jurisdiction of the federal government. The federal government decided to give some authority to territorial governments. In our case, that has been done through the Northwest Territories Act, which is an act of the federal government that gives legitimacy to this government and this House. Acting under the authority of the Northwest Territories Act this government and this House then passes acts, such as the Cities, Towns and Villages Act, which gives community governments some authority. Finally, at the bottom of the heap comes the people. In other words, all

authority comes from the Crown to the federal government to the Government of the Northwest Territories to the municipal governments and finally we get down to the people.

In the transcripts of our hearings Mr. Bourque introduced to you, there is a list of all of the individuals who appeared in front of us. There is a list of all of the written submissions that were made to us. By and large, the message from the people was that this theory is not correct. The power belongs to the people and flows from them to their institutions of government. What we were told to do, was to take the existing theory of government and turn it on its head, the people would then come from the bottom to the top, and the Crown goes to the bottom. It is not going to be an easy thing to do in light of the history that is behind us. That is the will of the people as was expressed to us in the hearings.

In addition to hearing from the public, as a commission we also initiated a large legal study of our constitutional situation. It is included in this report. It is called "mapping the legal landscape for a constitution for the new western territory." What we had to do, as a commission, was to try and reconcile the wishes of the people of the new western territory with the legal constraints we find ourselves under today, and bringing those two streams together is the recommendation that we have made in our report. To give effect to the view that power flows from the people, we have recommended creation of orders of government and districts of government so that power rests as closely as possible to the people. The advice which we have received is that this is legally possible notwithstanding the current theory under which government is structured.

The report goes on in some detail to recommend how this might be done and suggests possible lists of districts. However, the most important part is the concept of power belonging to people and flowing from them to their institutions of government. If that is accepted, then the whole process that should have taken place 125 years ago may be finally initiated here. Thank you.

---Applause

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**MR. BRADEN:** Thank you, Mr. Chairman. If I just might continue, to add to the revolution here. Constitutions also set out how people are elected or appointed to public office. In our public hearings and

in our analysis we heard a number of different views. In the final analysis our recommendations are based on a number of principles including the need to recognize traditional and aboriginal approaches to leadership and more contemporary demands for guaranteed or equal representation in public institutions of government. With this in mind, the commission recommended that district governments have the authority to set the procedures for electing or appointing their law making branches of government.

I will let Bertha comment very briefly on the business of gender representation in the central order of government.

Central Order Of Government

**MS. ALLEN:**

With respect to the central order of government, the commission recommended that phase II examine models to fulfil the goals of guaranteed representation for men, women, aboriginal and non-aboriginal residents.

At this point, I am going to take the opportunity to state a few views on the representation of women on government boards. I think that it just goes to show that women and men have to learn to work more closely together. There is a poor example of when this commission was set up, five men were appointed. The women had to lobby to get a voice of the care givers on this commission. We really thought we got the message across, and low and behold, there was another working committee set up -- who did they exclude? They excluded the women again. Again, we went to lobby to get the voice of the care givers on this commission.

I want to state to this House, to the leadership out in the communities, it is high time they start supporting the care givers. I have done the community visits in three regions where land claims are settled and the message is loud and clear that they want more workshops in leadership, they want more workshops in self-government, they want more workshops in explanation of their land claim, and here they are in areas where there land claim is settled. That is really a strong message that proper work has not been done and proper consultation has not been done.

In conclusion, I want to say that, as women, we want recognition. We do not want to be excluded from any future decision-making body. We want to work with all politicians, whether they be men or women. We do

not want to walk one step behind you, we want to walk side by side. Mahsi Cho.

---Applause

**CHAIRMAN (Mr. Pudluk):**

Are there any further comments from your group? Mr. Braden.

Constitutional Amendments

**MR. BRADEN:**

Thank you, Mr. Chairman. Finally, constitutions contain provisions for how they can be amended to reflect changing times and circumstances. The commission believes that the people of a new western territory should have the authority to amend their constitution, consistent with the amending formula powers that are currently vested in the provinces. Our report contains some additional detail on how we think this can be accomplished. However, the important point that we heard in all our consultations was that amending constitutions is not just the business of governments, high profile aboriginal leaders or business leaders, provision must be made in the amending formula section of our constitution to allow for referendums and plebiscites where territorial residents are guaranteed a role. You heard earlier on from Mr. Paulette who made a very strong case with respect to the role of consent for aboriginal people in the process of amending the constitution. I will just turn it over to Francois to make a few final comments about phase II of the constitutional process. Thank you, Mr. Chairman.

**CHAIRMAN (Mr. Pudluk):**

Thank you. Mr. Paulette.

**MR. PAULETTE:**

From a very conservative view, in your book, Working Toward A Common Future, on page 40, at the very bottom of the page it says in section 10, "The current constitution of the Northwest Territories, the Northwest Territories Act, is a federal statute." This means that the Parliament of Canada is legally able to change the way residents of the Northwest Territories are governed, with their consent. Provided that this change does not affect the aboriginal First Nations' rights under section 35 of the Constitution." What this means is that any amendments to this Constitution, now or in the future, needs the direct consent of treaty aboriginal First Nations. The virtue of the way the

Canadian Constitution is set out, under section 35 of the Constitution, it recognizes treaty and aboriginal rights. Where the NWT government comes in is under section 91.24 in the NWT Act.

When aboriginal First Nations talk about this amendment, that is where it is flowing from. It is directly flowing from the Constitution, plus the treaty making process that confirms the bilateral, nation to nation, with the federal government.

I am not going to take too much more of your time. In southern Manitoba in a French community, the Manitoba government or a supreme law exclusively ruled in favour of French languages in their culture and schools. It is a major court decision. Here in the Northwest Territories, we do not have that certainty of where aboriginal languages are going, even though the Canadian Constitution is written in a way that treaties have authority over the NWT Act. So we have to move in a direction where we are ensuring that aboriginal languages and culture are exclusive in the schools that reflect the regions and the culture of that nation. That is very important if we are going to continue the existence of aboriginal First Nations.

I also want to say the Metis Nations when they say they want rights in section 91.24, I think that is a very important area to visit. It is not by law that the treaty First Nations excluded them. There are many areas where this House should support the Metis Nations in their fight and their struggle for recognition as Metis Nations, and in the pursuance of their land base. I really support that.

I just want to thank you for asking me once again to come before you. Thank you very much.

---Applause

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**CHAIRMAN (Mr. Pudluk):** Thank you. Mr. Bourque.

**MR. BOURQUE:**

Mr. Chairman, in concluding, I would like to take this opportunity to thank my colleagues on the commission, including our staff, Mr. Ben Hubert, Andy Swiderski and Norma who has left the north. I am sure you would all agree that between August, 1991, and April, 1992, that we developed a good working relationship, although sometimes under some very stressful kind of situations where you are sitting in a community and listening to people with testimony who are actually crying.

I would also like to thank the political leaders and the committee for their support. I know it is not easy for politicians to temporarily turn over a file which is as important as development of a constitution, to an arm's length organization. We think that over the period of August, 1991, to April, 1992, we developed a productive working relationship.

Finally, and most important, I would like to take this opportunity to thank all the individuals who came out and made presentations. Individuals did not receive any funding. They took time out of their busy schedules to come and talk to us about their concerns, aspirations and desires. I think they should get proper recognition. I would also like to acknowledge the role of the northern media. They played an important role to get this process widely communicated across the north. At some periods of our public consultation trips, the media were all sitting cramped up in a van and no one complained and it was sort of a happy time. People were prepared to do their part.

Finally, I would like to say that our work is finished. We had a meeting yesterday in which we passed an extraordinary resolution to dissolve the society. The society will be dissolved by the end of March.

Mr. Chairman, we are now available to try to answer any questions which honourable Members may have. We hope you will forgive us if we are a little slow in answering, if we cannot answer a question immediately. Our memories may have faded a bit since last April, but we will do the best we can.

I want to again thank the Assembly and the political leaders for giving me the opportunity to chair this important task, giving me an opportunity to go back to the communities and talk to many friends and people and listen to their concerns. I hope that the work that was done will be taken seriously by this Assembly, or by the new committee of political leaders who are going to work on the next phase. Information is there and you can check it if you like against the report which was presented. I am sure you will find that we covered all the common themes in these documents. We could not report word for word for every person who came up, but we were sure to include all the common themes and all the themes which were important to people in the communities in these documents. With that, I want to thank you very much.

---Applause

**CHAIRMAN (Mr. Pudluk):**

Thank you. The floor is now open for general comments and questions. Mr. Gargan.

General Comments

**MR. GARGAN:**

Mr. Chairman, I appreciate the presentation by the members and the kinds of problems that the treaty people are having. I think much of it has been clarified by Mr. Paulette.

I wanted to say that when this commission first started I thought it was a bad idea. In my written submission to you I stated the reasons why. Before the interim report I made a submission to you in which I stated the commission travelled into communities and engaged in brief interchange with residents to reminisce as a group of lords. I use that terminology which calls together their subjects to issue and explain a proclamation. I went on to say that commissions were used by the British colonial masters in India and in the Orient to create an illusion of collective decision-making. I then went on to talk about the aboriginal people themselves, their collective rights and the process itself.

After your interim report came out, I also went on to say that the interim report seemed to be based on the model of the status quo, by proposing that there is a central legislation built largely by the same constitutional authorities and principles that presently exist. I went on to say, why do they need to point that out? Since the creation of the Legislative Assembly of the Northwest Territories there has never been any substantial support for the political and economic traditions of Dene, Metis and Inuvialuit people. I know that because I am a Member. We operate on concepts which are foreign to our people. Our parliamentary process draws from Westminster in England. It is a system imposed on us by a cultural force that has neither concrete or treaty with native people.

I went on to say that you can change the representative system within the Legislative Assembly, but it is still the same institution, a European institution.

Mr. Hardy said this concept of turning the whole thing and putting it down on its head, the reporting system draws from the community level back up to the head government. However, I would presume that when you say the head government that we are looking at this Legislative Assembly as being the authority

where it would go to. We recognize community government which may include the band councils, then onto the regional level and onto the territorial level. We still have one concept of government, that is the difficulty I have with regard to the Assembly.

With regard to what Francois said, we put treaties in there. Why are we putting treaties in there, recognizing treaties? They are not the authority which is going to be doing that. By virtue of it being in here we are consenting to this government that we want to be a part of it and I have some concerns over that. The Deh Cho region has never had any intentions to extinguish their aboriginal or treaty rights. I think by virtue of it being in here we sort of draw ourself into being part of that European concept of government. Most of the laws under the Canadian Constitution are drawn up by provincial governments. The concepts are all the same with regard to their own constitutions. I think having the treaties being recognized implies that the supreme law would be the NWT or this government and that we will recognize the treaty. In my opinion, that is wrong, it should be the other way around.

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Those are basically my general comments, Mr. Chairman. It is a good report, I like it. However, Francois touched on it, we are developing around the status quo.

**CHAIRMAN (Mr. Pudluk):**

Thank you. General comments or questions. Mr. Koe.

**MR. KOE:**

Mahsi, Mr. Chairman. I too would like to express my appreciation and just say thank you to the commission for the good work they have done and the good report they have prepared. There are many good recommendations in it. You have done extensive consultation across the north of all of our citizens, all the communities, all of the groups who are involved, and I think it is reflected in the report. I think we are now going to take this report and, hopefully, use it as a starting point from which to do the work that is going to be required. You refer to it as phase II, and perhaps phase III, to continue the process of developing a constitution and structures of government for a new western territory.

History will show that since your commission was mandated many events have happened over the last year and a half that have led up to this moment in time when a new order is going to take over. Hopefully, this new order or new group is going to continue the work you have done. I would have to wish the new group as much success as you have had over the year and a half that you have done your job. The constitutional development group would have to do a great deal of work, we have five to six years to do it, and try to do the type of work that you have had a year and a half to do. That is a big effort and I have to commend you for it.

I have one question I would like to ask. Once the report was done, one of the tasks which you were supposed to undertake was to take the report and visit tribal, regional or national assemblies to get some feedback from these assemblies. Was that done? Did you take this report to the Dene, Metis, Inuvialuit and Gwich'in assemblies? If you did, what kind of feedback or support did you get from these groups?

**CHAIRMAN (Mr. Pudluk):**

Thank you. Mr. Bourque.

**MR. BOURQUE:**

Mr. Chairman, in response to the honourable Member, we travelled, or at least I did, to three assemblies. The first assembly was in Fort Wrigley where Mr. Paulette and I went to the Dene assembly and made a report. I do not believe there was a resolution passed either to reject it or to support the report. When we were there, there was some sort of complication of a quorum. We did attend the Dene assembly.

I went to the Metis assembly. I believe Mr. Hardy was there also. We presented a brief report. The Metis assembly passed a resolution in support of the report.

I travelled to the Gwich'in assembly in Fort McPherson. There was some discussion but I do not believe there was a resolution passed in support or in rejection of the report.

Mr. Hardy has informed me that the Sahtu Tribal Council met in October and passed a resolution in support of the report.

**CHAIRMAN (Mr. Pudluk):**

Thank you. Are there any general comments or questions? Mr. Lewis.

**MR. LEWIS:**

Thank you, Mr. Chairman. When the discussions were taking place regarding the establishment of our own commission, I was one of those people who was very concerned at that time. In fact, I thought perhaps the timing was wrong because there were so many things going on in the national scene. I felt that until we knew where things were going to go nationally it was going to be very difficult for us to know exactly what our limitations were going to be. However, having watched the work and how it was conducted, the kind of attendance at meetings and the quality of the submission, it seems to me that what we have now is something unique. As the chairman has pointed out, this really is a document which comes directly from community meetings and it is very clear in the way it is written.

As far as the content of it, I wanted to raise the issue of rights. We have very often been told, in our Assembly, that it was going to be almost impossible for us to live together because of the way in which we look at things, we are so different in the way we look at things. One example which has been given to us very often is the fact that for aboriginal people, collective rights matter so much. Yet, the traditions which some of us come from, the individual is so important, the state is artificial and it is the individual person who matters.

I noticed in your list of rights, I counted them and there are 12 all together. I will not go through them. However, there are 12 groups of rights which you have identified. What I found interesting, and probably the most interesting in the whole report, in the context of the comments I have just made, is that the commission recommended, on page 15, that the Government of the Northwest Territories in consultation with other leaders consider the development and enactment of a human rights code, prior to coming into force with a new western territory constitution. There has been a great deal of debate about that, as to whether we should have our own human rights code. If that is something which has always been a dividing thing among us, that it is impossible because you look at life in a different way, it is very refreshing to find that you see that this could be the beginning, and at least we can see what things we have in common, including the values that we have. There is a recommendation that perhaps we could go ahead with that as an experiment. We could

then decide, once we have worked with it for a little while, whether that is something that we could have as a basis in our constitution. Do you see this as something perhaps that our Assembly could get on with right away, even though we have all kinds of work that has been set out by your commission?

**CHAIRMAN (Mr. Pudluk):**

Mr. Bourque.

**MR. BOURQUE:**

Yes.

**CHAIRMAN (Mr. Pudluk):**

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

**MR. DENT:**

Thank you, Mr. Chairman. I would like to begin by taking this opportunity to thank the commission and their chairman, Mr. Bourque, for the significant contribution they have made to the western constitutional process. The mandate of the commission was challenging and the commission should be acknowledged for their tremendous efforts in developing the principles and recommendations in their final report, Working Towards a Common Future.

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I know that Working Towards a Common Future is based upon extensive public consultation. I have had many people comment on how impressed they were with the level of consultation which took place. I recognize too that it is a starting point from which we are moving through the next phases of western constitutional development.

I have to say though that I have some reservations about some of the recommendations and principles found in this report. I wanted to mention them now. After the release of the commission's interim report, I appeared before the commission last spring to share my views on some of the initial recommendations. Obviously, the commission felt that my remarks were overshadowed by some of the other presentations they received, because I did not see in the final report, anything which I had put into my presentation to the commission.

For the record, I would like to state what some of my concerns are today. In general I think the central



government proposed by the commission has too little authority. I believe we need a strong and unified central government to negotiate with the federal government. After all we are only 30,000 people here, or we will be in the new territory after division. I think I only need to point to the most recent federal cuts to grants and contributions. We just passed a motion unanimously today condemning the federal government for their cuts to grants and contributions which are affecting all people in the north. I think this demonstrates the necessity of presenting ourselves as a single powerful voice to the federal government.

There is much greater strength in unity. It is a real challenge to try and achieve that. I recognize that. However, a centralized government with a reasonable amount of control, I think, is necessary to make the most efficient use of limited funds. For instance, in the field of economic development, I would believe that territorial-wide initiatives would be much more effective at attracting new development, new enterprises in the north, and helping us to compete with southern markets. I think we need to find some way to stimulate the economy. It is becoming painfully obvious that the federal government is doing their best to off-load their fiscal obligations to the people of the north.

I am concerned about the commission recommendation regarding a district order of government having the sort of jurisdiction that was recommended. I am concerned because I think it might lead to a divided western territory. I am not sure that we are, any longer, working towards a common future.

I think it is very important, from this point on, to have an open and honest debate on the constitution of a new western territory.

clear to us and we are going to have to pay a great deal of attention to.

The other challenge we are facing in the next phase of this process is coming up with a constitution that accommodates the goals of aboriginal people and self-government and the others who live in this territory, and coming up with a constitution that can achieve ratification. We saw what happened in October and I think that set the stage for a very difficult time ahead of us to come up with a constitution that can achieve ratification. I know one of the recommendations you put in is there has to be some method of involving all people in the western territory in the ratification process.

Mr. Chairman, to close, by raising these concerns today, I do not mean to take away from the magnitude of the commission's work. I think the fact that they were able to come up with this report in the time period they did, and I know from the compliments I have heard given to them on the consultation process, they did a great job. I thank them. They have given us a very important starting point, and there is a great deal of work left to do. I would like to thank the commissioners for appearing before us today and giving us the chance to discuss their recommendations. Thank you, Mr. Chairman.

**CHAIRMAN (Mr. Pudluk):**

Thank you. General comments. Member for Thebacha.

**MRS. MARIE-JEWELL:**

Thank you, Mr. Chairman. Mr. Chairman, I would like to make a few comments with regard to the report of the commission for constitutional development, Working Toward A Common Future. First of all I would like to add my thanks and compliments to those expressed by other honourable Members this afternoon. I certainly know the constitutional commission members devoted many hours to the task they were given by the previous Legislative Assembly. I particularly appreciate the conscientious approach that they took towards reaching out to different communities and different people across the Northwest Territories.

I think it is especially significant to note that they made a genuine effort, Mr. Chairman, to hear from the youth in our territory. I know the youth have really appreciated that and I, as a Member, have appreciated that. I commend you for that. Mr. Chairman, too often I believe our young people are overlooked and treated as though they have little or nothing to contribute to the development of our territory.

Mr. Chairman, I believe that the Bourque commission set a new precedent for future territorial tasks by making that special effort to hear from the young people across the territories. They spent many hours travelling as a group and the careful attention that they paid during the hearings and public consultation certainly reflects a commitment to constitutional development. I certainly hope we can build on that commitment in this House.

I would like to acknowledge this special work and thank Mr. Bourque, who chaired the commission, Ms. Allen, who represented the women, Mr. Paulette, who was also on the commission along with Mr. Carpenter, Mr. Braden and Mr. Hardy.

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Getting into the report, Mr. Chairman, I would like to make a few comments on certain sections of the commission's report. First of all, I would like to comment on the section entitled "special rights", which begins on page 12 of the report.

Mr. Chairman, I generally support the comments of the commission of this section, but I would be interested in learning more about whether the commission feels strongly about the re-affirmation of the Canadian Charter of Rights and Freedoms and other recommendations regarding the entrenchment of rights. Now that we recognize the Charlottetown accord has passed into history, perhaps they can comment on whether the results of that referendum have coloured any of the recommendations that were developed within that particular context.

#### Special Rights

I would also like to comment on the area of special rights. I would like to express a bit of caution, like the commission does, that certain areas with respect to rights would be much better dealt with at the national level, than in a territorial constitution, particularly when you look at the entrenchment of women's rights to reproductive freedom, of individual rights to refuse medical treatment to prolong life, and of the rights of workers to bargain collectively and to strike. These certainly are all issues that are going to be impacted by ruling in the federal courts and with constitutional initiatives at the national level. It will be important to ensure that any territorial steps toward the entrenchment of special rights are made with a clear understanding of the national framework. Mr. Chairman, it may even be questionable as to whether these are things that are desirable for inclusion in a territorial constitution.

#### Social Rights

Further, I would like to comment briefly on the section entitled "social rights" which begins on page 16 of the report. This particular section refers to the concept of the social charter which states "that governments have responsibilities to make sure residents have access to health and social services, education and

training opportunities, child care, adequate shelter, a safe work place, a safe home and community, economic equality, affirmative action programs to eliminate barriers to education and employment for disadvantaged groups, along with positive programs to eliminate drug and alcohol abuse, physical and sexual abuse and family violence. There is no doubt in anyone's mind that these are good statements and they are particularly fine statements to establish in a charter. However, we should be cautious that these not be entrenched in such a way as to limit the ability of the government to make decisions in the area of these key social areas that are vitally important to residents of the north.

The commission itself identified that the fundamental risk that occurs whenever a social charter attempts to establish a threat of basic social rights. I guess that is when the courts may be asked to determine whether government programs do, in fact, meet the so-called obligations for service delivery as set out in the social charter. I believe strongly that this should not be left to the courts. I recognize that the commission indicates that the issue of enforceability should be revisited in phase II of the constitutional development phase, but I would like to ask them

if they have any ideas as to how the enforcement framework of this particularly important issue could be developed.

#### Rights Of Treaty And Metis First Nations

As we go further into the report, Mr. Chairman, to page 21 with respect to the areas of rights of section 35 of the Constitution, the rights of the treaty First Nation and the rights of the Metis First Nation. There is certainly concern expressed that the treaty should be continued with the federal government, but there is also the support from the commission with respect to the recommendations of the treaties being upheld and protected. I certainly agree with that, but at the same time, I think it is critical and I cannot emphasize it enough, I strongly feel that the new western territory's constitution should also include commitments to the Metis First Nations. As stated on page 21, the Metis had a commitment on the new western territory, established when the Athabasca district half breed commission was established in 1899 and the Mackenzie River half- breed was established in 1921. It was further recognized by the acceptance of the claim in the Dene/Metis comprehensive claim.

I said earlier today, it is very important that the Metis, in order to be able to work collectively to ensure that

the western constitution for the territories is accepted, be recognized. We can no longer deny aboriginal people, within our territory, fundamental rights which are taken for granted by the treaty First Nations and by the Inuit. The Metis also have to be recognized and given equal opportunity.

#### Right To Vote And Stand For Office

In addition to that, I just have a couple of further comments to make, Mr. Chairman, in regard to page 38 of the report. The right to vote and stand for office, in regard to particularly guaranteed representation. I want to say that I have always been on the record to opposing the concept of guaranteed representation. As I look into the future for the western territory, there is no doubt that we know out of the 13,000 people that aboriginal people will not be the majority in the western territory. We have to ensure that their homeland is protected and their rights are guaranteed. It is very critical that we somehow address that issue. In order to be able to work towards a common future, we have to be on equal footing because of past injustices.

If you look at Treaty 8 and the different treaties, you know that many of the commitments in the treaties are not fulfilled today. As a native person, this is our homeland, and people are here to visit us, they want to share our homeland. We, as native people, have always been sharing. We have no problem with that, we have grown up with that concept. It is always a fundamental principle that we have grown up with, probably because we all --- I know I come from a big family but you always learn to share and to be able to work together. I certainly feel it is critically important that if this Legislative Assembly is going to develop a constitution which is going to work towards a common future, one of the elements to be able to make it successful is to share the land that we are working towards developing.

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#### Types Of Government

Mr. Chairman, I wanted to raise a couple of other comments in regard to the approach to the types of government. I do not believe there has been enough clarification in respect to clear definitions on district government, regional government and central government. I certainly feel that the public is probably thinking in their mind, what are these types of governments? With that, I would also like to suggest that to avoid another Charlottetown accord, to avoid

another Meech Lake type of process, it is fundamentally important that we look at a form of constitutional development for the territories by the people of the territories, not by only the politicians in this room, in order to make sure we have a constitution that I can live with, that my children can live with and my grandchildren can live with. It is critically important this development is not from the top down. Those are basically my comments in regard to some of the comments that I have made note of in respect to this commission's report. Once again, Mr. Chairman, I thank the commissioners for developing such a workable document for us to be able to use as we develop our territorial constitution for the western Arctic. Thank you.

#### **CHAIRMAN (Mr. Pudluk):**

Thank you. General comments. Mr. Antoine.

#### **MR. ANTOINE:**

Mahsi, Mr. Chairman. I would like to just make a few comments on this document, Working Toward A Common Future. This process started before I got involved so I was not involved in the creation of this body. I think this is a good document. This is the beginning of a process that will be completed in 1999. It is a good starting point. Even though your commission, Mr. Bourque, is finished as of the end of March, the commission members will always be known as, perhaps, the founders of the constitution of this western territory. With that, I would like to thank you for the work you have done.

As I said, this is a document we will be using until we develop our own constitution. It is a good document, I have gone through it and there are new innovative ideas that have come from the people and you have been able to capture the ideas from the people, from aboriginal groups as well as non-aboriginal groups, and were able to put them together in this document. There are some areas that are going to be controversial, however, it is a starting point. With that, I would just like to thank you. Mahsi.

#### **CHAIRMAN (Mr. Pudluk):**

Thank you. General comments, Mr. Zoe.

#### **MR. ZOE:**

Mahsi. Mr. Chairman, my comments are going to be very brief. I would like to echo, as my colleagues have indicated already, the work by the commission, the development of Working Toward A Common

Future document. The group's recommendations and observations are well put together in this document and I would like to commend the commission for putting this document together very well. The recommendations which are listed in this document, I have not personally scrutinized these particular recommendations, but the group or the next phase of whoever is going to undertake the development of our western constitution, I think has a good starting point starting from this document. The next group which will be undertaking this work will have to be more practical and more in-depth into certain areas that the commission has recommended on. I know from my area we have made a number of submissions to the commission which are reflected in this document. I know that my constituents will be commenting to whoever is going to be undertaking the next phase. So, I am quite confident that they will be speaking their minds pertaining to all the issues which are raised in this particular report. I think the next phase is critical. I think the group which is going to be undertaking the work that the commission has completed will be under a heavy work load. I just want to say that they have to be more precise and look at various issues which are raised in this report, very seriously and in-depth. I would like to say to the commissioners who are here today, my people appreciate the work which you have completed to date. With that, I will close my remarks, Mr. Chairman. Mahsi.

**CHAIRMAN (Mr. Pudluk):**

Thank you. General comments, Mr. Kakfwi.

**HON. STEPHEN KAKFWI:**

Thank you. I want to make some comments as well. It has always been my belief that all the different peoples of the western territory can develop the ability to understand one another, that we can make a commitment to work together. I think increasingly we are expecting that there is a definite role for women to play in a process such as this, women are critical to our society. They will make it possible for us to achieve those things which we set out. I am especially happy to see a report which is developed confirming that belief, that people can work together, and a report which reflects that belief, by working together you can come up with some goals that are achievable, realistic and that can truly be said to come from people. The process that was set up came from, regardless of sceptics, the express wish of the elected people of the Dene Nation, those people who speak on behalf of the Gwich'in, the

Sahtu, the Deh Cho chiefs, Treaty 8 chiefs, the Metis leaders, and this Legislature. It was the elected aboriginal people, including the Inuvialuit, who made a direct expression that they wanted this commission set up to do this work.

I think it is particularly reassuring to be at this end of the process and to know that the committee of political leaders are reflecting some real fundamental things which are contained in your report, which is that it has to start at the community level. To have any credibility, any constitutional building should start at the community level. That, again, is the expression. In spite of the tremendous respect that people have for the achievements you made, there has been some lagging hesitancy about giving some statement of recognition for your work because I think there is a sense... I think Mr. Gargan's statement makes some illusion to it that if at all possible people do not want a central government to take form. However, the fact is it has to take form. I think the expression from political leaders since last spring is let us not talk about how we are all going to live together right now, accept that we will. Let us build something, give some support and resources to communities to develop constitutional models for community governments first. That will flow to district or regional governments and then at some undefined date, down the road as a natural progression of the process, there will be some work done on the belief that we can, and we will, have the interest and capability to work out how we are all going to live together as one government

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I know there has been much difficulty with the changes which have come, and we hear it all the time. This Legislature, for instance, has universally denounced anything legitimate, but we do not all do anything about it. Some of us take a few hours out, once or twice a year to clear the rhetoric and then we go on about our business. I would like to think that all the Members are committed to keeping the process going that would give, not only Members of this Legislature some way to vent their views but all people some way to say we want to be able to do something about it.

To go back to the treaties, for instance, the treaties are sacred expressions of a relationship that we established, a nation to nation relationship. They are a statement of relationship. Unless there is a strong

commitment to build and maintain a relationship it does not serve people well. You look at Treaties 8 and 11 up here and we have to look hard to find those things which it has served people well with, when we look at the Dene people, how well off are we as a result of these treaties, or is it in spite of these treaties where we are. There is no clear cut answer to it.

I know that changes have been happening to us. The churches came. We cannot say that the churches are our religion. Again, Mr. Gargan would be the first to say, "Yes, those are European institutions and they are not Dene institutions." Not one of us, yet, has dared stand up to denounce the churches. We have an incredible array of institutions which are not ours. Chiefs and councils, can we say that those are institutions. Are those forms of First Nations governments? Some people will say they like them anyway. Other people will say no they are not but they are the best we have and we will do what we can with them until we achieve other things.

There is an array of other things which have come our way. Divisional boards were set up. I was involved in the process, I know that in all the regions the Metis leaders and the chiefs were asked and, in fact, had given consent to the creation of these boards. They are in the opinion of some people European institutions, yet they are elected and supported by people. They were created, at least with my assurance as a Minister at that time, that in a year or so down the road if people felt there was some erosion of their rights to treaty, through their aboriginal rights, or that the institutions which were set up were not serving them well, that we could shut them down. We went further than that to suggest that the entire Education Act should be revised and re-drafted to reflect what it is that people at the community level truly want in the area of education.

There has been a great deal of change occurring. I really take comfort in seeing how, if people chose to work together, to be diligent about ensuring that some process for controlling change and for making things happen, that good things can happen. I always look back on people such as the Mohawks. They have never signed treaties, they have maintained total sovereignty in their minds and hearts for hundreds of years. Yet, we know that all their traditional land is nearly gone. There are different forms of government that have cropped up all around them. The second largest city in Canada is right at their doorstep. They are completely surrounded. My view has always been that we have to be pro-active, we have to lay out for each other what it is we want to do. We have to

develop some work plans. In the event that we do not do that then things fall apart, in my view. The most classic example is the comprehensive claim of the Dene/Metis. Because there was no alternative laid before people, except that the chiefs did not want the claim to be voted on, the Gwich'in, Sahtu and Dogribs have elected to go on their own and it is not the best scenario that any of us envisage, but that is what people chose to do. It is important that all of us, in my view, keep making all the efforts we can to lay out what it is that our own people want and to work to make sure we are in control of the process. If not, I think this government can do nothing. The federal government will continue to do things. The world will continue to change. Protesting and objecting to things complacently, I think is the last think we need to do. That is my view.

In spite of some urging, I have avoided saying anything about the commission's report mostly because I believe that the first honour should go to the chiefs, the Metis leaders, the aboriginal leaders and the people in the communities to express their view about the report and the process. Without belittling the Members of this Legislature, I always felt that the Members of this Legislature should be the last to speak to the recommendations in this report. We must respect the principle. It is the aboriginal people in the communities who should give their voice to it, otherwise we would not have completed the commission's report. We would have just had an in-house session and decided what we think were good recommendations for ourselves.

I want you to know that I have a tremendous amount of respect for the ability, and it has been said before, to see people with as diverse views as you have, especially recognizing Mr. Hardy and Francois Paulette, to be able to sit down and work that long together. I think the longer you work together, in fact, the more you realize you could achieve some real things. I think that has been the difficulty all of us have had in this process. For many people the constitutional issue is not a priority, so once or twice a year it is allowed to stick its ugly head out, then people let it air out and they snuff it again. My view is the only way we will get any productive results is if we do it all the time until we get it done, and we talk every day about it until we get the job done. However, letting it come around every few months or every few years, is not going to do the job. I think that is the key to success. We must make sure there is a process all the time, and to make sure that people are engaging in dialogue and discussion.

Those are the main things I wanted to tell you. There are many recommendations in the report itself that I found extremely satisfying to see. I am particularly pleased with the revolutionary approach which you took and the attitude you took to the work. I was exuberant about it because there is always a fear that groups could become too conservative and status quo. I do not find that reflected anywhere in this report. There is also a clear statement that you accept that the realities of the day and the laws of the day and those are very healthy expressions for myself. So, before you left today, I wanted to let each of you personally know that I was very pleased with the report. I was pleased that I could see you were able to complete the work. There are no dissenting reports contained in here. It was a job well done and I wanted to personally give you my thanks for that. So, thank you very much.

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**CHAIRMAN (Mr. Pudluk):**

Thank you. General comments. Mr. Nerysoo.

**HON. RICHARD NERYSOO:**

Mr. Chairman, thank you. I had not planned to speak because I was under the assumption that Mr. Kakfwi would make the introductory remarks on behalf of the government. However, seeing as we are allowed to speak personally, I want to take the opportunity to first of all thank the commission members, as all other Members have indicated, for work that has been very difficult to complete in many respects, mainly because I think of the differences of opinion which have arisen with regard to how we would deal with the development of a constitution for the western Arctic. I have to add to the remarks that have made that shows clearly to me that with willingness and ability to set aside some of what might be some personal views, to at least find some solutions to issues which are very difficult at times, even to a point of setting aside what has been the traditional view of how government should be established in the normal context. That, in my view, is extremely helpful, particularly since our experience in this country, and most recently the constitutional development processes which have been used in this country have not been very helpful in terms of trying to get people together on some very fundamental issues, mainly because they have not been involved in the process of developing the positions on those issues. I think we should take heed of that experience and utilize it and those situations to our benefit. I do not believe

that if we put forward a constitution which does not have the participation of the people of the Northwest Territories, and particularly in the western Arctic in this particular case, their influence and their advice, we are doomed to fail. I think the cultural differences, people may think that is the big issue but the simple fact is that people will support a constitution when, in their view, they can see a willingness on the part of the developers to listen to their ideas and thoughts in the development of that constitution.

There were a couple of issues and perhaps I might make mention of them. There is an effort on the part of commission members to deal with the matters regarding individual rights and in some respect collective rights. What I do not think is really clear to me, and I think we have to assume that responsibility from this day onward, is the ability of trying to marry what is normally collective rights and individual rights. That has been a very difficult task for a large number of constitutional experts in this world, and yet it is a task which we must deal with and requires a great deal of cooperation on the part of all those who are going to be involved in the development of a constitution. It is one area that could, in my view, make or break the constitution in the western Arctic.

It is very easy to put into place individual rights and I think it is important to do that. At the same time, there are very few constitutions in the world that have collective rights that have the same weight as individual rights. In that respect, I think we need to address this.

I also wanted to say something with regard to the matter on treaty issues. One of our very difficult situations which has occurred probably not at the fault of aboriginal people and those people who have treaties, is our willingness to speak, and as a result of our own cultural circumstances, to speak about what the laws were, and what the historical laws were, what the historical governments were. We really have a responsibility now of going further than just speaking about them. I think we have the responsibility to now put pen to paper to try to articulate clearly to people what those rules were. Because if we do not do that, we run the risk of not including them in the constitution for the western Arctic. It is very simple to speak to Francois and myself, we can talk about all of the historical information which has been given to us from our elders, through meetings of the Dene Nation, as far back as 1974, and Jim, Richard and Bertha have been a part of those processes. We have talked about what it was we believed was part of our

governments and part of our historical laws. The problem is that we never put them down on paper. We have to start working on developing them. I think the most important thing is for us to make sure that when we can sit before those who like to argue with us in terms of what those laws might be, or how we might use those laws to improve our constitution, I think it is best that we can at least show those people the laws as they were or are. I think it will be helpful.

I also wanted to say, Mr. Chairman, one other element which was important to me in terms of some of the remarks which were made was with regard to treaties, not only section 91.24 but also section 25, and I believe 35. I assume the other changes have occurred or will occur in future with regard to aboriginal rights. It is interesting to note that, I do not believe, even from the information that is before us, how the Canadian constitution will have a bearing on our new constitution. It is not clear to me whether there was a need for us, not only to recognize the rights that we had but to make sure that there was no intention on the part of a new constitution to take away what was normally the obligation of the Government of Canada for aboriginal peoples generally in Canada. I make mention of this because I think there have been some very significant court cases which could be helpful in the manner in which the Government of Canada deals with aboriginal people in the future.

I guess the most recent decision which was made is in Alberta, where a Metis has been given certain rights to harvest on Crown lands which previously there was a suggestion that he did not have the same rights. I think that as a result of that court case, it has a significant bearing on what we can protect in the constitution. If Members do not know what it was, it was that a Metis man now has the right to harvest for food like a status Indian. That is basically what the decision was. I think this is a very important decision. I wanted you to be aware of this very crucial decision. It changes how we view aboriginal people generally across the country.

To the members of the commission, thank you for work well done. I think you have laid the groundwork for our ability to work together. I only hope that we view you as models in terms of trying to work out our differences rather than to view you as setting some new difficult problems for us. Thank you very much.

**CHAIRMAN (Mr. Pudluk):**

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

**MR. KOE:**

Thank you, Mr. Chairman. I would like to make a short comment or reiterate what was expressed in the report. I would like to proceed with a motion. However, I would like to have a quorum, Mr. Chairman.

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**CHAIRMAN (Mr. Pudluk):**

Thank you, Mr. Koe. Mr. Clerk, please ring the bell. The chair recognizes a quorum. Mr. Koe.

**MR. KOE:**

Many Members have talked about taking the report and using it as a starting point. The last paragraph of the report stated that members of the commission are confident that the next phase in the public process of constitutional development, based on the work accomplished so far, would provide the people of the new western territory with a workable, affordable and acceptable constitution. With that, and hopefully based on their final round of consultations, that this is the case, that this report will form the basis for ongoing constitutional work, or form a starting point for ongoing constitutional work. I would like to make a motion, Mr. Chairman.

**CHAIRMAN (Mr. Pudluk):**

Please proceed, Mr. Koe.

Committee Motion 100-12(3): To Accept The Report Of The Commission For Constitutional Development

**MR. KOE:**

Mahsi.

Whereas it is the intention of the Government of Canada to divide the Northwest Territories to create a Nunavut and western territory in 1999;

And whereas in the spring of 1991, a committee of western political leaders developed a terms of reference for a commission for constitutional development and selected five commissioners;

And whereas in July, 1991, the Legislative Assembly approved the terms of reference, appointed a sixth

member and advised the government to fund the commission's work;

And whereas the phase I mandate of the commission was to research and review previous constitutional proposals, fund appropriate organizations to enable them to prepare and refine positions on constitutional development, hold meetings in as many communities as possible and otherwise communicate with and consult the public and complete a report which summarized the public's response and offered suggestions for principles and options for a new constitution;

And whereas the commission succeeded in fulfilling its mandate on schedule by releasing its report, Working Toward A Common Future, before the May 4, 1992, plebiscite on the boundary for division;

And whereas the commissioners reflected in their report the diverse views and opinions of the many northern groups and individuals who took an interest and contributed their work;

Therefore I move, that this committee expresses its appreciation to the commissioners for their commitment and hard work;

And further accepts the report of the commission for constitutional development, and refers the report to the constitutional development steering committee as a starting point for the ensuing stages in the development of a constitution and a structure of government for a future western territory. Mahsi.

**CHAIRMAN (Mr. Pudluk):**

Thank you. Your motion is in order. To the motion. Mr. Gargan.

**MR. GARGAN:**

Mr. Chairman, for the record I wanted to say that I will be abstaining from voting on this motion, basically because the situation right now is that in all other jurisdictions when discussions were made to constitutional papers, native people have never been involved, primarily because the fiduciary responsibility still rests with the federal government. I do not know what the political or legal ramifications are with regard to me as a Member in this House, an aboriginal Member as such, still having the legal authority to represent my constituency. I honestly cannot accept something like this without saying what this means. I am afraid that by me accepting this motion, it may imply that the fiduciary responsibility goes to this

government and they will be the agent representing the aboriginal people. Due to the fact that it is unclear, I still prefer that I do not know why the treaty people are caught up in this process and were part of this process. It makes it difficult because we still have a relationship with the Government of Canada. Because I am unsure of what it really means, I will abstain from voting.

**CHAIRMAN (Mr. Pudluk):**

Thank you. To the motion. Mr. Lewis.

**MR. LEWIS:**

Mr. Chairman, I know there has been wide-spread speculation that there was a lack of commitment to do things, it was too complicated and too difficult. I think in defence of the people who had to wrestle with this over the past year, many people have been too wrapped up in other constitutional work that there was a real sense of fatigue and there was certainly a feeling among many constituents that they had had enough of even discussing it or talking about it. As members of the commission will appreciate, especially if you read the Bible, that to everything there is a season, and that perhaps this is the right season, the right time, and for that reason I will be happy to support the motion.

**CHAIRMAN (Mr. Pudluk):**

Thank you. To the motion. Mr. Koe.

**MR. KOE:**

Mr. Chairman, I would like to request a recorded vote.

**CHAIRMAN (Mr. Pudluk):**

There is a request for a recorded vote. To the motion.

**AN HON. MEMBER:**

Question.

**CHAIRMAN (Mr. Pudluk):**

Question has been called. All those in favour?

Recorded Vote

**CLERK ASSISTANT (Mr. Schauerte):**

Mr. Koe, Mr. Antoine, Mr. Whitford, Mr. Lewis, Ms. Mike, Mr. Kakfwi, Mr. Morin, Mr. Nerysoo, Mr.



Patterson, Mr. Pudlat, Mr. Dent, Mrs. Marie-Jewell and Mr. Zoe.

**CHAIRMAN (Mr. Pudluk):**

All those opposed? All those abstaining?

**CLERK ASSISTANT (Mr. Schauerte):**

Mr. Gargan.

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**CHAIRMAN (Mr. Pudluk):**

Thank you. There are 13 in favour of the motion, zero opposed and one abstaining. Motion is carried.

---Carried

---Applause

**CHAIRMAN (Mr. Pudluk):**

Does this committee agree that Tabled Document 3-12(3) is concluded?

**SOME HON. MEMBERS:**

Agreed.

---Agreed

**CHAIRMAN (Mr. Pudluk):**

Thank you. I would like to thank the witnesses for appearing this afternoon: Mr. Paulette, Ms. Allen, Mr. Bourque, Mr. Hardy and Mr. Braden. Thank you very much for appearing in the committee.

---Applause

I will now rise and report progress.

**MR. SPEAKER:**

Item 19, report of committee of the whole. Mr. Chairman.

ITEM 19: REPORT OF COMMITTEE OF THE WHOLE

**CHAIRMAN (Mr. Pudluk):**

Mr. Speaker, your committee has been considering Tabled Document 3-12(3) and the appearance by members of the commission for constitutional development, and wishes to report progress. These

matters are concluded with one motion being adopted. Mr. Speaker, I move that the report of the committee of the whole be concurred with.

**MR. SPEAKER:**

Seconded by Mr. Koe. Your motion is in order. All those in favour? All those opposed? Motion is carried.

---Carried

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, there will be a meeting of the Nunavut Caucus immediately after adjournment. There will be a meeting of the Ordinary Members' Caucus at 7:30 pm this evening, at 9:00 am tomorrow a meeting of the Management and Services Board, and at 10:30 am of the Ordinary Members' Caucus. Orders of the day for Wednesday, March 17, 1993.

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

---ADJOURNMENT

- Motion 24-12(3): Tabled Document 91-12(3) and Tabled Document 92-12(3) to Committee of the Whole

16. First Reading of Bills

- Bill 23, Supplementary Appropriation Act, No. 4, 1992-93

17. Second Reading of Bills

- Bill 8, Payroll Tax Act

18. Consideration in Committee of the Whole of Bills and Other Matters

- Tabled Document 2-12(3), The Justice House - Report of the Special Advisor on Gender Equality

- Tabled Document 19-12(3), 1992 Master Plan for Corrections Service Division

- Bill 5, An Act to Amend the Social Assistance Act

- Bill 17, Appropriation Act, No. 2, 1993-94

- Committee Report 10-12(3), Report on Tabled Document 21-12(3): Payroll Tax Act

- Committee Report 11-12(3), Report on the Review of the 1993-94 Main Estimates

- Committee Report 12-12(3), Report No. 4, Talking and Working Together

- Committee Report 15-12(3), Report on Tabled Document 33-12(3): Government Accountability: A Legislative Action Paper on Access to Government

- Committee Report 16-12(3), Final Report on the Comprehensive Review of the Rules

19. Report of Committee of the Whole

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20. Third Reading of Bills

21. Orders of the Day

**MR. SPEAKER:**

Thank you, Mr. Clerk. This House stands adjourned until 1:30 pm, Wednesday, March 17, 1993.