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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. Richard Nerysoo, Mr. Ningark, Mr. Patterson, Hon. John Pollard, Mr. Pudlat, Mr. Pudluk, Hon. John Todd, Mr. Whitford, Mr. Zoe

ITEM 1: PRAYER

---Prayer

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

Good afternoon. Orders of the day. Item 2, Ministers' statements. Madam Premier.

ITEM 2: MINISTERS' STATEMENTS

Minister's Statement 74-12(3): Aboriginal Languages Day

**HON. NELLIE COURNOYEA:**

Mr. Speaker, at a meeting in 1989, the Assembly of First Nations expressed concern over the use and preservation of aboriginal languages in Canada and the need to entrench aboriginal language rights in the Canadian Constitution.

Every year since that meeting, March 31 has been celebrated as aboriginal languages day - a day that is set aside to recognize and appreciate the survival and richness of aboriginal languages. This is a celebration that receives the full support of the Government of the Northwest Territories and the people it represents.

In the Northwest Territories, Mr. Speaker, the government and the Legislative Assembly took steps, a number of years ago to pass a Languages Act that recognizes aboriginal languages, as well as English and French, as official languages.

This recognition is something that is not in place in other Canadian jurisdictions and today would be a good time to remind people throughout this country of the importance of promoting and preserving aboriginal languages.

The survival of aboriginal languages requires the support and encouragement of elders, parents,

schools, communities and all levels of government. All of us share a responsibility for the future of our languages.

In conclusion, it is appropriate for all Members of the Legislative Assembly to recognize the important work and dedication displayed by the members of the language bureau who make it possible for this House to operate in all the official languages of the Northwest Territories. Thank you.

---Applause

**MR. SPEAKER:**

Item 2, Ministers' statements. Mr. Allooloo.

Minister's Statement 75-12(3): Ocean Dumping Of Industrial Scrap

**HON. TITUS ALLOOLOO:**

Mr. Speaker, on March 25 in Grise Fiord, a second public meeting was held to address concerns over ocean dumping of industrial scrap in Canada's Arctic region.

During the meeting, the Government of the Northwest Territories and Inuit representatives continued to object strongly to issuing a permit to allow PanArctic Oil to dispose 400 tonnes of scrap metal into the ocean adjacent to Loughheed Island. Mr. Speaker, concern was also expressed over the Government of Canada's general policy of authorizing the dumping of industrial scrap material in the Arctic Ocean.

Our government and Inuit representatives recommended that PanArctic's permit be withheld until a thorough review of ocean dumping in the Arctic is done. They also recommended that as much material as possible be reused and a proper review of disposal options be undertaken.

These recommendations and others made during the meeting are being forwarded to the Honourable Jean Charest, the federal Minister of the Environment. I have written to Mr. Charest urging him to express support for the recommendations prior to April 15, when PanArctic's ocean dumping permit comes into effect. Thank you, Mr. Speaker.

**MR. SPEAKER:**

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

### ITEM 3: MEMBERS' STATEMENTS

Member's Statement On Report By Traditional Knowledge Working Group

#### **MR. GARGAN:**

(Translation) Thank you, Mr. Speaker. In the spring of 1991, a report was prepared by the traditional knowledge working group and subsequently tabled in this House. Mr. Speaker, I am appalled at the lack of action that has followed the transmission of this important report. This was a significant project in which many northern elders and community representatives devoted hours of work. The Dene Cultural Institute, the Metis Heritage Association, the Inuvialuit social development program, the Inuit Cultural Institute and other organizations were directly involved.

The report which came out of this exercise should have been seized by the government as a valuable blueprint for incorporating the traditional wisdom of our communities within

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the government framework. Instead, it has sat on the shelf. There has been no meaningful response from this government. The report has been neglected and the importance of traditional knowledge has been treated lightly. Mr. Speaker, I find that to be shameful.

Mr. Speaker, my honourable colleagues for Inuvik and Keewatin Central raised this issue back in June, 1992. Each time, the Minister of the day has indicated that government bureaucrats are preparing a paper about the report for review by Cabinet. I have never understood why that is necessary. The report is well written and the working group's recommendations stand on their own merits. I have also not understood why it has taken the Cabinet two years to deal with the report.

Clearly, the process of incorporating aboriginal wisdom and traditional knowledge within the workings of public government do not seem to be a priority of this government. It should be a priority, Mr. Speaker. I intend to pursue this matter until I am satisfied that the appropriate level of attention has been paid to it. Mahsi.

#### **MR. SPEAKER:**

Item 3, Members' statements. Mr. Koe.

Member's Statement On 1992 Master Plan For Corrections Service Division

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

Mahsi, Mr. Speaker. On November 22, 1992, the Minister of Justice tabled Tabled Document 19-12(3), the 1992 Master Plan for Corrections Service Division. This report was prepared by a Vancouver consulting firm, the Apra Group Incorporated, in August, 1992. This report examines the existing system of corrections and justice in the Northwest Territories and goes on to list the number of needs apparent in that system. It then makes a number of recommendations. The report suggests two alternative service delivery models. Model A advocates the retention of the existing institutional base system with a number of capital upgrading and expansion proposals. Model B advocates a community-based system with emphasis on alternatives of incarceration while also recommending capital upgrading and expansion of present facilities. The report also examines and compares the advantages and disadvantages of both models and recommends model B as the preferred option.

The report is scathing as to the inadequacies of the present system. The number of inmates is increasing beyond what anyone had anticipated and the existing facilities and corrections system must be vastly improved. The recommended model concentrates on community justice and open custody instead of institutionalization. It offers alternatives to incarceration using jail only in the most serious of cases. It advocates a holistic approach to treatment while offering more sentencing options.

Mr. Speaker, I support some of the recommendations of the report, especially references to strengthening and utilizing community justice committees and systems. For changes to be made and to become effective there must be commitments from the corrections and justice system, and corresponding commitments by communities and regional organizations to practice the method of community corrections.

Mr. Speaker, I seek unanimous consent to continue.

#### **MR. SPEAKER:**

The honourable Member is seeking unanimous consent. Are there any nays? There are no nays. Please proceed, Mr. Koe.

**MR. KOE:**

Mahsi. The one area which I have some difficulty with is the recommendation to upgrade and expand the existing facilities in Iqaluit, Hay River and Yellowknife. Mr. Speaker, my opinion is that new beds are required and that new facilities be built, and that these new facilities be located in regions in centrally located communities which do not have adequate institutions. For example, there are no institutions of these kinds in the Inuvik region, the Kitikmeot region and the Deh Cho area. I fully support the intention to repatriate federal offenders back to the north and support the construction of new facilities to house these prisoners, but place them in communities which need economic boosts. Mahsi.

---Applause

**MR. SPEAKER:**

Item 3, Members' statements. Mr. Arngna'naaq.

Member's Statement On Aboriginal Languages Day

**MR. ARNGNA'NAAQ:**

Thank you, Mr. Speaker. I would also like to express my appreciation of the aboriginal languages day. The aboriginal languages which have been recognized as the official languages in the Northwest Territories are, indeed, numerous, but it shows the tolerance that we have for each other which has been passed on to us by our ancestors. They came before us, and they used and formed the languages which we speak of today. However, they have been formed over many centuries and they have always had much to do with the land and the surroundings in which they lived. Much like other cultures, their language increased with the amount of interaction with other peoples.

The language of Inuit varies from region to region and from community to community, in fact, it varies from country to country and it varies within the communities. For example, I speak a dialect which is very distinct from those in other communities. Even inside the community of Baker Lake there are four or five different dialects spoken. This is because the community is made up of people from the surrounding area, but it also has people who moved in during the 1960s. The people to the north, from the southeastern Kitikmeot area, form one dialect. There are people from the south who come from the Paalirmuit area who form another dialect. There are those who originated in the Igloodik/Repulse Bay area

who form another dialect. There are those who come from the Back River/Garry Lake area who speak another dialect.

My most recent ancestors were probably closest to the community of Baker Lake. They came from the Thelon River area which specifically is the Aberdeen Lake and the Schultz Lake area. In today's society we also have people who are transient and come from various communities in the Baffin region. I would also like to add at this point there are so many times when I am being interviewed by Inuktitut CBC personnel that we often revert to English because we have difficulty in clarifying ourselves.

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Mr. Speaker, by tolerance the people who have varying languages are able to live together and form a very cohesive group. The people who I represent prove that. I have much respect for the people who work in this Assembly as interpreter/translators because I know we are not always the easiest people to work with because so often we want something done yesterday. Today, Mr. Speaker, I give my applause to them.

**MR. SPEAKER:**

Thank you, Mr. Arngna'naaq. Item 3, Members' statements. Mr. Todd.

Member's Statement On Paying Tribute To John Kavik

**HON. JOHN TODD:**

Thank you, Mr. Speaker. I rise today to pay tribute to one of the oldest elders in the Keewatin region, John Kavik, who died at the age of 97 last Saturday. Mr. Kavik was world famous because of his artistic abilities as a carver, and collectors from museums all over the world have many of his pieces.

I would like to extend my deepest sympathy to his family and in particular to the Udjuk and Twyee families who have been good friends of mine for the last 25 years. Thank you.

**MR. SPEAKER:**

Item 3, Members' statements. Mr. Arvaluk.

Member's Statement On Aboriginal Languages Day

**MR. ARVALUK:**

(Translation) Thank you, Mr. Speaker. I would like to make a short statement on national aboriginal languages day. First, I would like to thank the Assembly of First Nations for declaring this special day. I hope that all aboriginal people will join in celebrating this day.

We have much to celebrate. Our languages in the NWT are still alive and we still use them every day. Our government is the only legislature in North America which has given official status to aboriginal languages.

We can learn a great deal from the achievements of French people in the NWT and in Canada as a whole about language rights and how to fight for these rights.

Why do I care about my language, Inuktitut? I grew up speaking my language. All my cultural knowledge and language was taught to me in a traditional way. We live in a very cold climate, and by understanding my language I learn more about the climate. I am very happy today that I can speak Inuktitut and I can think better using my knowledge of Inuktitut. I can go out on the land and remember the stories I was told in my language as a child and I feel happy about those times. I do not think I could have learned all this traditional knowledge if I had not spoken Inuktitut.

**MR. SPEAKER:**

Your time has elapsed, Mr. Arvaluk.

**MR. ARVALUK:**

Thank you, Mr. Speaker. I seek unanimous consent to conclude my statement.

**MR. SPEAKER:**

The Member is seeking unanimous consent. Are there any nays? There are no nays. Please proceed, Mr. Arvaluk.

**MR. ARVALUK:**

(Translation) Thank you, Mr. Speaker, and my fellow MLAs. I see many young people today who are not able to speak their language well. Some of these people do not speak English well either. I think these young people feel a bit lost because they cannot really understand everything when the elders try to explain things to them. I encourage young people to try hard to learn their language well, talk to the elders, listen to those who are fluent in their language and

ask questions. The elders need to feel what they have to say is useful in today's world and they need to feel appreciated. I am happy to be fluent in my language so I can get advice from elders and enjoy their company. We must remember that young people are the only hope for the survival of our languages. Let us try hard to help them learn our language, appreciate it and feel pride that comes with the strong cultural identity.

I hope our government will continue to support aboriginal languages and I know I will do all I can to use it and teach it as often as possible. I also thank the Secretary of State for funding for aboriginal languages. Thank you, Mr. Speaker.

**MR. SPEAKER:**

Thank you, Mr. Arvaluk. Item 3, Members' statements. Mr. Pudlat.

Member's Statement On Aboriginal Languages Day

**MR. PUDLAT:**

(Translation) Thank you, Mr. Speaker. I also wish to recognize this special day for aboriginal languages. Mr. Speaker, first of all I have a short comment. When I was trying to get elected as an MLA, I stressed the fact that I would be pursuing aboriginal languages in the House and I am very proud to be able to speak in my first language. Recognizing all the interpreters here, who speak different languages, I am very proud to be one of them. I also celebrate this special day, being an aboriginal. I am very pleased, Mr. Speaker, when I have to travel to other communities to attend meetings, there are always people who can speak my language and I can use my language through interpreters during these meetings.

**MR. SPEAKER:**

Item 3, Members' statements. Mr. Antoine.

Member's Statement On Aboriginal Languages Day

**MR. ANTOINE:**

Thank you, Mr. Speaker. (Translation) I would like to speak on behalf of the aboriginal languages issue today. Today, whoever is speaking their own language, it is their day to celebrate. I do not think we should be thinking about our languages only today. I think we should be thinking about them every day. When I speak to elders, they say "Why do the younger people not speak aboriginal languages very

well?" They do not speak to the elders, that is why. A few of the elders also express that they would like to speak to the young people, but they do not get a chance to do that. They have lived a long time.

The young students who are taught in school today are taught well, but they are taught mostly in English. Last year, there

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were some young students, about 10 years old, who said they would like to speak Slavey, but they do not know how. They say they are taught the language in school, but they are limited. They express the fact that they should be taught more, and I agree. Today, when we speak aboriginal languages, it is recognized by the territorial government. There are many languages being interpreted for us today, and I feel thankful for people who are interpreting for me. Thank you.

---Applause

**MR. SPEAKER:**

Item 3, Members' statements. Mr. Allooloo.

Member's Statement On Aboriginal Languages Day

**HON. TITUS ALLOOLOO:**

(Translation) Thank you, Mr. Speaker. I am happy that we have a special day for celebrating aboriginal languages. I know there are many people in the NWT who work very hard to preserve our languages and use them in schools, offices, homes and in the other communities. I would like to thank all these people for all the hard work they are doing. I also envy those people who speak the Dene languages. I want to thank my colleagues for supporting aboriginal languages in this Legislature. I think in all of North America, we are the only people who recognize aboriginal languages. (Translation ends)

I learned the languages from my parents, and from my brothers and sisters. I thank them for that. I will always remember what they have taught me and I am proud of it. I would urge all the people who are not able to speak Inuktitut, who are of Inuit descent, to learn the language. It is so rich, Mr. Speaker. When you lose your language, you lose part of your culture. When I speak my language, I know the right word to describe exactly what I mean. For example, if I say to an Inuktitut speaking person, "this is my cousin," that person knows exactly which part of my family he or

she belongs to, whether it is my father's side or my mother's side, by saying one word.

Mr. Speaker, yesterday Mr. John Pollard asked me "What is the word for water in Inuktitut?" So, I gave him a list of things describing salt water, fresh water, water on top of the ice, lake water, drinking water, river water and he was amazed at the different words we use in our language. I cannot always explain myself so well in English. I am always trying to find words which express exactly the same thing as Inuktitut words, but many times they do not exist. Mr. Speaker, we speak different languages, we think of things in a different way...

**MR. SPEAKER:**

Mr. Allooloo, your allotted time as elapsed. Thank you, Mr. Allooloo. Item 3, Members' statements. Mr. Ningark.

Member's Statement On Aboriginal Languages Day

**MR. NINGARK:**

(Translation) Thank you, Mr. Speaker. When we ask questions, sometimes we ask them in our language. I do not always have much to say, however, I wanted to stand using my dialect in Natilikmiot. Being aboriginal languages day, I wish to express my appreciation to Natilikmiot people who have been preserving their dialect and their language. I appreciate those hard working people in the government and the government in Ottawa, as we try and preserve our native language. I appreciate the funding they give to us for preserving our language. MLAs appreciate this day, recognizing that it is an aboriginal languages day. Thank you very much, my colleagues, and Mr. Speaker.

**MR. SPEAKER:**

Thank you, Mr. Ningark. Item 3, Members' statements. Mr. Patterson.

Member's Statement On CBC Interview With Archaeologist Dr. Fitzhugh

**MR. PATTERSON:**

(Translation) I am sorry, but I will be speaking in English. (Translation ends) Two days ago, CBC Iqaluit interviewed Dr. William Fitzhugh, a respected archaeologist with the Smithsonian Institute in Washington. Dr. Fitzhugh, who has worked extensively throughout the circumpolar world on

archaeological digs, talked about his extensive work in recent years in Frobisher Bay seeking artifacts and archaeological evidence about the voyages of Martin Frobisher to Frobisher Bay in the late 1500s, and the effects of those visits including influences of Elizabethan technology on the local Inuit at the time. A book on this fascinating work will soon be released. In the interview, Dr. Fitzhugh pointed out the urgency of his work since the land and hundreds of archaeological sites, and the outer part of Frobisher Bay are rapidly sinking into the sea. Dr. Fitzhugh expressed his strong concern that there must be proper local facilities to secure and preserve these valuable artifacts. Unless local storage is available in local museums, Dr. Fitzhugh expressed his concern that communities nearby may no longer support archaeological research for fear that the artifacts will be taken far away because of the conditions required for their safe storage, and will not be available to be seen in nearby communities. He also noted that he is working with young Inuit on the digs to encourage them to study archaeology in the Arctic but it would be discouraging to those students if there are no local facilities to display the results of their works, and the artifacts must be stored far away from the Inuit homeland. Dr. Fitzhugh also noted that these artifacts, if they are available locally, are a valuable resource for schools to celebrate cultural heritage and also as a very significant tourist attraction. He expressed his opinion that a new Nunavut territory must offer increased education opportunities and facilities to respect, store and display the heritage of its people. Qujannamiik, Mr. Speaker.

**MR. SPEAKER:**

Item 3, Members' statements. Mrs. Marie-Jewell.

Member's Statement On Treatment Of Young Offenders At River Ridge Facility

**MRS. MARIE-JEWELL:**

Thank you, Mr. Speaker. Over the past few weeks I have frequently raised the issue of designation of the River Ridge facility in Fort Smith as an institution for the handling of young offenders sentenced to terms of open custody, as well as those young offenders sentenced to terms of closed or secure custody. Mr. Speaker, the Minister of Justice and I have engaged, at times, I believe to be a vigorous debate on this issue. However, Mr. Speaker, neither of us are lawyers. Unfortunately, the debate on this issue seems to have focused around legal definitions, names of statutes and other technical legal issues.

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Mr. Speaker, I find this unfortunate because it has obscured the real issue, which I suggest is, how will the staff and officials at the River Ridge facility treat a young offender, who is being sentenced to an institution for the first time for what may be a relatively minor offence, differently from a young offender who has repeatedly been in and out of institutions and has been convicted of a sufficiently serious crime to warrant the imposition by the courts of a term of secure custody. Mr. Speaker, the courts impose different types of custodial sentences for a reason. I am not a legal expert but it seems to me that offenders sentenced to a different type of sentences should be treated differently.

The Young Offenders Act, under section 24(1) recognizes the serious nature of secure custody by prohibiting the courts from imposing secure custody unless certain criteria are met. Given the planned designation of the River Ridge facility, as both open and secure custody, I want to be sure that the institution has developed a plan which will deal appropriately in keeping with the letter and the spirit of the Young Offenders Act, with these two different types of young offenders.

Mr. Speaker, I will continue to pursue the issue with the Minister and I sincerely hope we will be able to debate this issue on its merits and avoid getting tangled up in a debate over legal terminology. Thank you.

**MR. SPEAKER:**

Item 3, Members' statements. Item 4, returns to oral questions. Ms. Cournoyea.

**ITEM 4: RETURNS TO ORAL QUESTIONS**

Further Return To Question 606-12(3): Tendering Practices Of Municipalities

**HON. NELLIE COURNOYEA:**

Mr. Speaker, I have a return to an oral question asked by Mr. Dent on March 26, 1993, to the Honourable Don Morin, who is presently travelling, regarding the tendering practices of municipalities.

When the Department of Government Services and Public Works directly purchases mobile equipment for the hamlets, the department follows standard specifications, tenders the purchases and inspects the units to ensure they meet specifications.

In some cases, MACA has devolved the purchase of mobile equipment to the hamlets. In those cases, the department provides its standard specifications to MACA for use by the hamlet. The hamlets then tender the purchases, with the assistance of MACA staff, and carry out their own inspections. Government Services and Public Works does not conduct follow-up inspections, except when requested by MACA or a hamlet.

Return To Question 604-12(3): Lease Arrangements For Social Worker On Hay River Reserve

Mr. Speaker, I have a return to an oral question asked by Mr. Gargan on March 26, 1993, to the Honourable Don Morin, Minister of Government Services and Public Works, regarding lease arrangements for social worker on the Hay River Reserve.

The department has consulted with Dene Gha Holdings Corporation at the Hay River Reserve on this potential lease.

It is anticipated that the arrangements can be completed by May 1, 1993.

**MR. SPEAKER:**

Item 4, returns to oral questions. Item 5, oral questions. Mr. Patterson.

ITEM 5: ORAL QUESTIONS

Question 653-12(3): Cabinet Consideration For Gymnasium In Apex School

**MR. PATTERSON:**

Thank you, Mr. Speaker. I am very grateful for the government's early commitment to rebuild the Apex school and also to renovate an existing building to serve as a temporary school. However, the people of Apex and the students at Nanook School were concerned to learn that the new school might not include a gym. Their old school had a gym. I would like to ask the Minister of Education, who I believe has heard their prayers and petitions, whether the Cabinet has had a chance to consider the issue of a gym for the Apex school. Thank you.

**MR. SPEAKER:**

Mr. Nerysoo.

Return To Question 653-12(3): Cabinet Consideration For Gymnasium In Apex School

**HON. RICHARD NERYSOO:**

Thank you, Mr. Speaker. I am not sure if we have heard all their calls and all their pleas but we have heard the most important one and that is the request of the honourable Member and the request from the school board. My Cabinet colleagues have understood the need to respond as positively as we can. The Cabinet and Financial Management Board have approved the addition of a small gymnasium for the Apex school.

**MR. SPEAKER:**

Item 5, oral questions. Mr. Koe.

Question 654-12(3): Status Of Master Plan For Corrections Division

**MR. KOE:**

Mahsi, Mr. Speaker. I have a question for the Minister of Justice. Earlier in my Member's statement I referred to the tabled document related to the 1992 master plan for corrections. Can the Minister please advise us as to the status of this report?

**MR. SPEAKER:**

Mr. Kakfwi.

Return To Question 654-12(3): Status Of Master Plan For Corrections Division

**HON. STEPHEN KAKFWI:**

Mr. Speaker, the report has been reviewed by officials within the Department of Justice. They have given some consideration to the observations and

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recommendations contained in the report. We will begin to develop a strategic plan which would embrace some of the recommendations contained within that report. I will ask for some advice on how to carry out a consultation process with the public as well. Thank you.

**MR. SPEAKER:**

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

Supplementary To Question 654-12(3): Status Of Master Plan For Corrections Division

**MR. KOE:**



Mahsi, Mr. Speaker. What time frame is the Minister looking at in developing a strategic plan?

**MR. SPEAKER:**

Mr. Kakfwi.

Further Return To Question 654-12(3): Status Of Master Plan For Corrections Division

**HON. STEPHEN KAKFWI:**

Mr. Speaker, I would hope that by the fall session of the Legislature we should have a strategic plan available for the Members which can be tabled and moved to committee of the whole, for discussion.

**MR. SPEAKER:**

Item 5, oral questions. Mr. Lewis.

Question 655-12(3): Status Of Audit On Expo 1992

**MR. LEWIS:**

Thank you, Mr. Speaker. My question is for the Minister of Economic Development and Tourism. The Minister made a commitment to provide us with the audit on the 1992 exposition in Seville, before we go home at the end of this session. I would like to ask him what is the status of that audit?

**MR. SPEAKER:**

Mr. Pollard.

Return To Question 655-12(3): Status Of Audit On Expo 1992

**HON. JOHN POLLARD:**

Mr. Speaker, I will be tabling those documents today. Thank you, Mr. Speaker.

**MR. SPEAKER:**

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

Question 656-12(3): Modification Of Security At River Ridge

**MRS. MARIE-JEWELL:**

Thank you, Mr. Speaker. My question is to the Minister of Justice. The Minister of Justice has indicated that the River Ridge facility for young offenders located in Fort Smith has been designated

as a triple designation facility. Mr. Speaker, the Young Offenders Act states no young person shall be committed to secure custody unless certain specified criteria are met. For example, the offence is one for which an adult could receive a jail sentence for greater than five years. Given that the act makes a clear distinction between the two types of offenders, can the Minister advise me as to what steps have been taken to date to review or modify current security procedures so as to allow the institution to handle both types of offenders? Thank you.

**MR. SPEAKER:**

Mr. Kakfwi.

Return To Question 656-12(3): Modification Of Security At River Ridge

**HON. STEPHEN KAKFWI:**

Mr. Speaker, the staff at River Ridge when initially informed of this triple designation had expressed some concern about this initiative. We have since sent some of the staff from River Ridge to a facility in Alberta to have them see first hand how similar facilities operate with the same type of demands. It is interesting to note the staff have come back from the visit with a much better idea of how they can provide young offenders in an open custody setting with effective programs that reflect the nature of their needs. The staff are of the view that they can take on this challenge. In fact, they have said so. They feel, because of the visit, they have a better understanding of the type of programming and needs of young offenders sentenced to open custody. They believe they are now in a position to alleviate the fears of the rest of the staff at River Ridge about this change. The senior people who travelled to the facility in Alberta have all concluded that the difference between open and secure custody in the same facility can in many ways be subtle and definitely manageable by a staff, such as the staff in River Ridge. They have said, at least many of them, they view this change as a challenge and look forward to working with all young offenders in the future.

I think the point of it, aside from all the detail which I thought the Member was indicating she was going to avoid since she recognized neither of us are lawyers, is the main difference between secure custody young offenders and open custody in the area of programming and the level of supervision and security which is provided to the closed custody young offenders, and the increased training that the staff

who are responsible for closed custody young offenders require. As I have said earlier in this House, we felt because of the increased training which River Ridge staff have, it is not a great demand to ask them to broaden their base of experience and to use their expertise to also take on the responsibility of taking care of young offenders. It is my understanding that, in fact, while they are going to take on mostly young offenders as of a week or so from now, it has been the staff of River Ridge who have requested to keep at least two young offenders who were sentenced to secure custody. I think in their view they can do the job which is required of them, meet all the legal requirements stipulated by legislation and still meet the interests of the young offenders. I think there is definitely some movement towards seeing this as a challenge, something which is definitely manageable and one that is going to be in the interest of the young offenders, the government and the staff at River Ridge.

**MR. SPEAKER:**

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

Supplementary To Question 656-12(3): Modification Of Security At River Ridge

**MRS. MARIE-JEWELL:**

Thank you, Mr. Speaker. Besides sending the staff out to another institution, I would like to ask the Minister again, what steps have been taken, to date, to review or modify current security procedures to allow the institution to handle both types of offenders? What procedures and steps have been taken? Thank you.

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**MR. SPEAKER:**

Mr. Kakfwi.

Further Return To Question 656-12(3): Modification To Security At River Ridge

**HON. STEPHEN KAKFWI:**

Mr. Speaker, the operating procedures of a number of facilities in Alberta and Ontario, as well as policies for open custody facilities in the Northwest Territories, have been sent to the manager of River Ridge for reference to make the adjustment from secure programming to open. It should be recognized all the

programming is done in the facilities, such as the young offenders' facilities, operate on a program that is done on a case by case basis. Each individual young offender has developed an individualized program, since the needs of each young offender is different. This is recognized. Some of the things that will be done, of course, are all of the cell doors at River Ridge will remain unlocked and the young offenders will have more movement and less supervision within the facility. There will still be some restricted areas which will be out of bounds to the young offenders, such as offices and staff rooms.

There will be more community involvement which will take place with less supervision, with more temporary releases for such things as attending the local school, Arctic College, or work release programs and community work. Those who cannot attend local schools because of special needs or short sentences will be able to attend classes within the facility. The manager will also make sure there is increased access to recreation. They will have increased access to facilities such as gymnasiums and will have easier or more access to local festivities such as the spring carnival. Young offenders in open custody will also have more access to on the land programs because the security procedures are less stringent, as you know. On the land programs for secure custody young offenders are difficult because of the higher level of supervision and security required. This makes it difficult for on the land projects. So, presently, the operation procedures in River Ridge are being rewritten by the staff to accommodate the change. There are ongoing staff meetings taking place, the director of corrections has travelled again down to Fort Smith today to make sure that the staff are given adequate support and leeway to have as much involvement as possible in the transfer process.

**MR. SPEAKER:**

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

Supplementary To Question 656-12(3): Modification Of Security At River Ridge

**MRS. MARIE-JEWELL:**

Thank you, Mr. Speaker. I guess that is my concern. As the Minister indicated, there are cell doors in the River Ridge facility and they will remain unlocked, but the cell concept is still there for young offenders who are sentenced to open custody. It really bothers me to think a young offender would be in that type of

environment. Mr. Speaker, I would like to ask the Minister with regard to the section of the Young Offenders Act that specifically prohibits the transfer of young offenders who have been committed to open custody to a place of closed custody. Can the Minister indicate, to the House, what specific plans have been adopted by the department to ensure the intent of this particular section

of the act is not breached, besides just leaving the cell doors open? Thank you.

**MR. SPEAKER:**

Mr. Kakfwi.

Further Return To Question 656-12(3): Modification To Security At River Ridge

**HON. STEPHEN KAKFWI:**

Mr. Speaker, River Ridge is a new facility. In the opinion of many people who have toured it, it looks like a miniature, modernized Alcatraz. It is a very secure, perhaps overly secure, facility. I say that because both the federal legislation which governs incarceration of adults and especially young offenders, both the federal Young Offenders Act and the territorial Young Offenders Act, states as one of their up-front principles, that the least amount of restriction should be exercised on each young offender, keeping in mind the safety for the public and the person themselves. You do not go on the principle that you have to lock all the doors three times and bar all the windows. You go on the principle that less is better. You do the minimum to restrict the movement and the freedom of these people who are sentenced. When you look at River Ridge as a facility, it is new, it has very secure cell doors, but these rooms are private rooms. There is one bed in each little room.

My own perception, and the perception of other people I have talked to, is who should have private rooms? Should it be children who are sentenced to secure custody, or less serious offenders, such as young offenders who are sentenced to open custody? We take the view, perhaps, those in open custody would appreciate having their own room and this is what River Ridge is providing. It is not a leading factor, but I raise it because many Members may not be aware of the physical outline of the facility. In Hay River at the secure facility, it is a dormitory and there are a number of beds in each room. The light in the facilities is also very different. In the River Ridge

facility there is much more daylight and natural light coming in, it has a high ceiling in the main living quarters plus a great panoramic view from the end of the building. With some subtle changes, I think the facility can be made to feel much more homey and open. The fact that doors will not be locked is going to make a tremendous change, Mr. Speaker.

I have been through the facility, and I must admit, it is incredibly claustrophobic for someone like myself. I have been through many institutions over the years, all through my own choosing mostly.

--Applause

There is a view, again I bring to the Member's attention, River Ridge is not going to stay only as a facility for young offenders sentenced to open custody. It is triple designated. We are taking this measure because we need the space and this is the best utilization of the space at this time, and it gives us the flexibility we need. As I said earlier, if we do not take this course of action it would have meant opening another facility for well in excess of \$300,000 to meet the demands we have. I must say while I appreciate the anxiety of the River Ridge staff when this was first announced, I can also tell you I appreciate the attitude they have taken to it and the statement which at least one of them has made is that they feel they can do the job and rise to the challenge this government has called on

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them to face. I think it will be very workable. There is no difficulty in meeting the spirit and intent of the legislation which the Member referred to. Thank you.

**MR. SPEAKER:**

Item 5, oral questions. Your final supplementary, Mrs. Marie-Jewell.

Supplementary To Question 656-12(3): Modification Of Security At River Ridge

**MRS. MARIE-JEWELL:**

Mr. Speaker, I would like to ask a final supplementary to the Minister. The Minister went basically all around my question and I listened, with interest, to see if I would get an answer and I did not get an answer so I find that I am in a position to ask this again. I would like to ask the Minister, can he indicate what specific plans have been adopted by the department to

ensure the intent of the section of the Young Offenders Act is not breached? Thank you.

**MR. SPEAKER:**

I have said a number of times, when a question is posed to a Minister the Minister is not compelled under our rules to answer that question. I will put the question to the Minister, Mr. Kakfwi.

Further Return To Question 656-12(3): Modification To Security At River Ridge

**HON. STEPHEN KAKFWI:**

Mr. Speaker, the Department of Justice does not go out with a plan on breaching any legislation. The government, the Department of Justice and corrections are all expected to and it is their work to ensure they operate within the full parameters of the law and prevailing legislation which governs the work. I did not answer the question because I am not sure if it is a proper question to ask. We do not go out to try to breach legislation and try to find ways to skim the purpose of carrying out work which is not legal and not within the parameters of legislation. The Department of Justice and corrections assures me that what they are doing is fully within legislation and it meets the spirit and intent of all legislation. I do not need to develop a strategy which would get me to be convinced of that. I believe the staff and that is what they have said. Thank you.

**MR. SPEAKER:**

Item 5, oral questions. Mr. Zoe.

Question 657-12(3): Additional Time Required For Implementation Of Public Accounts' Recommendation

**MR. ZOE:**

Thank you. My question is directed to my friend from that side of the House, the Minister of Finance. Mr. Speaker, the Minister on a number of occasions repeatedly promised to have the Standing Committee on Public Accounts' recommendation pertaining to the roles and responsibilities of the deputy minister of Finance and Comptroller General implemented by the end of the 1992-93 fiscal year. Mr. Speaker, he has indicated on a number of occasions that it was going to be met on that particular date. It has been over nine months now, Mr. Speaker, and I was just reading yesterday's Hansard and my colleague for Natilikmiot raised that same issue. Now, the government is requiring more time to implement our

recommendation. I would like to ask the Minister, could he provide us with rationale why more time is required after he made a promise that it would be implemented by the end of this fiscal year?

**MR. SPEAKER:**

Mr. Pollard.

Return To Question 657-12(3): Additional Time Required For Implementation Of Public Accounts' Recommendation

**HON. JOHN POLLARD:**

Mr. Speaker, it has taken longer than we anticipated. I think it is going to take another two weeks because it involves some of the other departments. Thank you, Mr. Speaker.

**MR. SPEAKER:**

Supplementary, Mr. Zoe.

Supplementary To Question 657-12(3): Additional Time Required For Implementation Of Public Accounts' Recommendation

**MR. ZOE:**

Mr. Speaker, currently these two positions are within one specific department. I do not understand what the Minister is saying with regard to it affecting other departments. Could he explain what he means by it affecting other departments, in what manner?

**MR. SPEAKER:**

Mr. Pollard.

Further Return To Question 657-12(3): Additional Time Required For Implementation Of Public Accounts' Recommendation

**HON. JOHN POLLARD:**

Mr. Speaker, dealing with the problem which the Member raises would have been a piecemeal approach to some of the other problems which we see need addressing in the Department of Finance and other departments. It was decided to encompass all the changes at the same time, Mr. Speaker. That is how it involves other departments. Thank you.

**MR. SPEAKER:**

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

Supplementary To Question 657-12(3): Additional Time Required For Implementation Of Public Accounts' Recommendation

**MR. ZOE:**

Supplementary, Mr. Speaker. Is the Minister suggesting that the other organizational changes within the department have to be completed before he implements what our committee recommended? If that is the case, Mr. Speaker, I do not think it affects the overall organization of the department so I cannot see why they cannot go ahead with implementing what our committee recommended rather than waiting until everything else is reorganized. I do not understand the rationale. Maybe he can explain it better.

**MR. SPEAKER:**

If Members have a question, there should be a preamble before the question, not after. Mr. Pollard.

Further Return To Question 657-12(3): Additional Time Required For Implementation Of Public Accounts' Recommendation

**HON. JOHN POLLARD:**

Mr. Speaker, there were some changes we felt needed to be done. So, addressing the changes we felt were required along with the changes suggested by the Auditor General's report made it a larger

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task. As I said, Mr. Speaker, we are only a couple of weeks behind with it. It is better to do one job and do it properly than to do it piecemeal. Thank you, Mr. Speaker.

**MR. SPEAKER:**

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

**MR. ZOE:**

In relation to the same question raised, Mr. Speaker, I wonder if the Minister can give the House assurance that this recommendation which our committee made is definitely going to take place in two weeks? I wonder if he can make a commitment to correspond with the Standing Committee on Public Accounts with regard to this. Thank you.

**MR. SPEAKER:**

That is two questions. Mr. Zoe, would you like to ask one question, please? Mr. Zoe. You asked two questions. Would you like to ask one?

Supplementary To Question 657-12(3): Additional Time Required For Implementation Of Public Accounts' Recommendation

**MR. ZOE:**

I tried but he caught me. I wonder if the Minister can correspond to the chairman of the Standing Committee on Public Accounts as soon as he implements the implementation of the public account? Thank you.

**MR. SPEAKER:**

Mr. Pollard.

Further Return To Question 657-12(3): Additional Time Required For Implementation Of Public Accounts' Recommendation

**HON. JOHN POLLARD:**

Yes, Mr. Speaker. Thank you.

**MR. SPEAKER:**

Item 5, oral questions. Mr. Lewis.

Question 658-12(3): Study On Performance Of Science Institute

**MR. LEWIS:**

Thank you, Mr. Speaker. My question is to the Minister of Education, Culture and Employment Programs, and the Science Institute. Since the decision was made to reorganize the Science Institute and to make it into something different than what it was, could the Minister tell me if a study was done on the institute to see whether it was performing the job which it was asked to do?

**MR. SPEAKER:**

Mr. Nerysoo.

Return To Question 658-12(3): Study On Performance Of Science Institute

**HON. RICHARD NERYSOO:**

Thank you, Mr. Speaker. I would like to make some clarifications to the remarks the honourable Member

has made. Firstly, to correct the record, a decision has already been made to move the Science Institute and the staff to the regions. That decision has been made. The whole matter of re-assessing the relationship of the Science Institute and Arctic College in terms of research, program delivery and reorganized administration is the result of a suggestion and recommendation of myself since I became the Minister. There has been some concern expressed by the chairman of the Science Institute board about the matter of disseminating and decentralizing the Science Institute as it now exists. If the organization is disseminated, what would be the results in terms of administration? Obviously, we would have to look at administrative services, either in one location, three locations or two locations. That was not clear in the decision.

Secondly, the matter of a study of whether they were performing the duties, that was to be part of the review. If the honourable Member is not aware, I asked Arctic College, the Department of Education, Culture and Employment Programs and the Science Institute to sit down on a working committee to come up with a solution. Since the board has met, some two weeks ago, they have indicated that they do not want to work to re-assess the working of the Science Institute, the relationship they could have with Arctic College or the future relationship that they would have in the Northwest Territories to other organizations. The Science Institute board and the staff are the ones who have refused to sit down to assess the workings of their own organization and the relationship they might have to any other organization in the future.

That is, in fact, the way the whole thing is borne out. I have still asked Arctic College and the department to pursue what might be options.

**MR. SPEAKER:**

Supplementary, Mr. Lewis.

Supplementary To Question 658-12(3): Study On Performance Of Science Institute

**MR. LEWIS:**

I will re-phrase my original question. In the proposals for giving the Science Institute a new kind of mandate, does this mean that the mandate which the Science Institute has now will not be the same as the mandate it will have when it is amalgamated, affiliated or joined with the Arctic College system?

**MR. SPEAKER:**

Mr. Nerysoo.

Further Return To Question 658-12(3): Study On Performance Of Science Institute

**HON. RICHARD NERYSOO:**

Mr. Speaker, so as to be very clear to the honourable Member, the whole nature of the working group was to look into the relationship. The Science Institute board and the staff do not want to participate on that particular working committee. It is very hard to suggest to the honourable Member that this Science Institute board and this Science Institute staff are prepared to even consider the options. Arctic College staff and the staff of the Department of Education, Culture and Employment Programs are the ones who want to review this whole thing. It may be that the restructuring completely retains the structure the way it is. What is clear, from my perspective, is there is a need for Arctic College to consider the relationship it would have with the Science Institute in the development of new science technology programs and improving the ability of Arctic College in the area of research for the Northwest Territories. Thank you, Mr. Speaker.

**MR. SPEAKER:**

Supplementary, Mr. Lewis.

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Supplementary To Question 658-12(3): Study On Performance Of Science Institute

**MR. LEWIS:**

I appreciate that there are all kinds of different opinions. The board obviously has one significant opinion. The most significant opinion is the opinion of the Minister who may have the responsibility. Does the Minister intend to give the Science Institute a new mandate to do different work, something different to what it does right now?

**MR. SPEAKER:**

Mr. Nerysoo.

Further Return To Question 658-12(3): Study On Performance Of Science Institute

**HON. RICHARD NERYSOO:**

Mr. Speaker, again, very clearly I do not know what mandate they should have. That is the nature of the review which was to take place. If I am going to ask Arctic College to assume responsibility in the area of research and science technology programming, then my question is, what is the role of the Science Institute of the Northwest Territories? It is important that we try to figure out the relationship. If we do not figure out that relationship then what is the nature of two colleges in the Northwest Territories, two Science Institutes of the Northwest Territories with no relationship at all? Even the Special Committee on Education in 1981 came back with a recommendation of, in fact, trying to put together that relationship. It is only now occurring, some 12 years later. We are trying to respond to an initiative and, in fact, a recommendation that was made.

I think there is a change in the relationship. The honourable Member should realize the Science Institute only advises on matters of research. They do not, and have not, participated in actual research. They have contracted other organizations to do the research work. It is my view that surely we can recognize the need to utilize the institutions of the Northwest Territories to assume responsibility in that area. I do not know in the end what the solution is going to be. That is why I have asked this working group to sit down and advise me. I need the advice of people who have the expertise in this area. They have, in fact, refused to participate in advising me.

**MR. SPEAKER:**

Final supplementary, Mr. Lewis.

Supplementary To Question 658-12(3): Study On Performance Of Science Institute

**MR. LEWIS:**

Mr. Speaker, a significant party to the solution of this problem does not want to participate. How does he propose to resolve the issue?

**MR. SPEAKER:**

Mr. Nerysoo.

Further Return To Question 658-12(3): Study On Performance Of Science Institute

**HON. RICHARD NERYSOO:**

Mr. Speaker, I will re-assess the situation and appropriately deal with those individuals who are not

involved in participating in the review process. I can only try to encourage the individuals. What the Member has to understand is that the Science Institute board has even made a decision that they want to incorporate themselves as an independent body of government. They have undertaken a process, of which I was not involved nor consulted, particularly since this government spends a great deal of money on setting up the board, to incorporate themselves as an independent body with no relationship whatsoever to this Assembly and basically to this government.

**MR. SPEAKER:**

Item 5, oral questions. Mr. Patterson.

Question 659-12(3): Cabinet Shuffle After Budget Session

**MR. PATTERSON:**

Thank you, Mr. Speaker. My question is to the Government Leader. Mr. Speaker, we know that the present Cabinet has been fortified and rejuvenated with new blood in recent months and new Members, who appear to have been assigned to fill the vacancies which arose, perhaps not so much according to their particular skills and experience, in looking at the total group. It has been a tradition in recent years for Cabinet shuffles to be considered immediately after a budget session. So, my question to the Government Leader is, Mr. Speaker, now that the budget session is almost over, is she considering shuffling her Cabinet? Thank you.

**MR. SPEAKER:**

Madam Premier.

**HON. NELLIE COURNOYEA:**

Mr. Speaker, I will take that as notice. Thank you.

**MR. SPEAKER:**

The question has been taken as notice.

**MR. PATTERSON:**

Supplementary.

**MR. SPEAKER:**

The question has been taken as notice, Mr. Patterson. Mr. Lewis.

Question 660-12(3): Services Received By People Working In The NWT

**MR. LEWIS:**

My question, Mr. Speaker, is to the Minister of Finance regarding the insidious payroll tax. Since this tax was designed, at least the main spirit of it, to tax between and 4,000 and 5,000 non-unionized workers that fly in and out, what services do these people get from the Government of the Northwest Territories?

**AN HON. MEMBER:**

Good question.

**MR. SPEAKER:**

Mr. Pollard.

Return To Question 660-12(3): Services Received By People Working In The NWT

**HON. JOHN POLLARD:**

Mr. Speaker, the tax system is not necessarily based on what you receive, it is collective of people who recognize that governments have to operate, programs have to be delivered and the taxation system does not normally respect any particular group or individual for any particular purpose, Mr. Speaker. The mere fact that people are working in the Northwest Territories displacing someone else from the Northwest Territories from earning that pay cheque, in my opinion, would be good enough reason. Thank you, Mr. Speaker.

**MR. SPEAKER:**

Supplementary, Mr. Lewis.

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Supplementary To Question 660-12(3): Services Received By People Working In The NWT

**MR. LEWIS:**

What evidence does the Minister have that these 4,000 people are replacing willing workers to take their jobs in the Northwest Territories?

**MR. SPEAKER:**

Mr. Pollard.

Further Return To Question 660-12(3): Services Received By People Working In The NWT

**HON. JOHN POLLARD:**

Mr. Speaker, you do not have to be a rocket scientist to go around the communities and see the high rate of unemployment. There is a willingness among the young people to work. Mr. Speaker, for example, when Colomac Mines was operating, people from the Dogrib communities went in there and did the job just fine, Mr. Speaker.

**SOME HON. MEMBERS:**

Hear, hear.

---Applause

**HON. JOHN POLLARD:**

Mr. Speaker, I have made the offer to companies across the Northwest Territories, on a number of occasions, if they cannot hire people in the Northwest Territories because there is a lack of training, that is our problem. They should bring that problem to us and we will address it through Education or some other training program to make sure our workers are capable of doing that job. I think that many times there are opportunities for companies to hire in the Northwest Territories and it is just easier to go somewhere else, Mr. Speaker. Thank you.

**MR. SPEAKER:**

Supplementary, Mr. Lewis.

Supplementary To Question 660-12(3): Services Received By People Working In The NWT

**MR. LEWIS:**

The Minister will confirm then that the fly-in and fly-out workers get no service whatsoever from this government. In other words, simply by being here for the months they are, they do not qualify for any service we have.

**MR. SPEAKER:**

Mr. Pollard.

Further Return To Question 660-12(3): Services Received By People Working In The NWT

**HON. JOHN POLLARD:**



Mr. Speaker, on the contrary. When people are here from different provinces, they are treated at the hospital if they are injured or ill, people have to pay into workers' compensation, therefore if they are injured in the Northwest Territories on the job and are covered by workers' compensation in the NWT, there is another cost to us. Mr. Speaker, there are all kinds of unseen items that people receive. Just maintaining the airport that the plane lands on belongs to the Department of Transportation. There is maintenance of airport buildings when they go into an airport building. There are a number of services, and I do not know all of them, Mr. Speaker, but when you are up here and you are participating in the economy and working in a mine, there is a cost to us of inspecting that particular mine. When you are here, you cannot help but somehow get some benefit from living and working in the Northwest Territories. Thank you, Mr. Speaker.

**MR. SPEAKER:**

Mr. Pudluk.

Question 661-12(3): Status Of Reply From Federal Government Re Dumping Scrap Metal Into Arctic Ocean

**MR. PUDLUK:**

(Translation) Thank you, Mr. Speaker. As the environment Minister stated earlier, I am very thankful that he is cooperating with them. I am glad they do not want the dumping of scrap metal in the Arctic Ocean. He stated earlier that he would be writing to the Minister of the Environment and I would like him to support the Inuit. Does he know when he will receive a reply to his letter, whether PanArctic will be given a yes or a no? When does he expect to get a reply? Thank you.

**MR. SPEAKER:**

Mr. Allooloo.

Return To Question 661-12(3): Status Of Reply From Federal Government Re Dumping Scrap Metal Into Arctic Ocean

**HON. TITUS ALLOOLOO:**

(Translation) Thank you, Mr. Speaker. The community representatives, ICC and the Government of the Northwest Territories have stated they wanted to receive a reply before April 15.

The Government of Canada has given a permit to PanArctic which will allow them to dump scrap metal into the Ocean on April 15. The Department of Fisheries and Oceans has given a blasting permit which comes into effect on April 15. The Department of the Environment has been asked to reply on the concerns before April 15.

Mr. Speaker, the community representatives have recommended the dumping permit be withheld for one year until a proper review of disposal options is undertaken, that the federal government assist PanArctic to clean up the site, that studies be conducted on the long-term effects of ocean dumping, that a moratorium be put in place until the studies are done. They should also try to find out whether they can reuse the scrap metal and leave the remainder on the land for the time being. It was further recommended that industry and government post abandonment and restoration bonds to ensure the clean up is done.

The Government of the Northwest Territories has given a statement they do not want any dumping of scrap metal in the Arctic Ocean. It should be returned to the south. If this is not possible then disposal on the land should be considered.

ICC told the Government of Canada that meetings should be held to hear how the act could be changed for the dumping of scrap metal into the ocean and that the federal government's law for the dumping of scrap metal in the ocean has to be changed to reflect community concerns.

I do not think this should only be dealt with in Canada. They should create a law which can be followed internationally. Thank you.

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**MR. SPEAKER:**

Mr. Arngna'naaq.

Question 662-12(3): Funding For Keewatin Communities' Involvement In Saskatchewan Uranium Mine Hearings

**MR. ARNGNA'NAAQ:**

Thank you, Mr. Speaker. I asked a question last week regarding the FEARO hearings in northern Saskatchewan. The response I received from the Minister of Renewable Resources was that the government will be indirectly involved. I would like to

ask the Minister if the government would be able to make resources available to the communities in the Keewatin, for those communities to be involved in those hearings. Thank you, Mr. Speaker.

**MR. SPEAKER:**

Mr. Allooloo.

Return To Question 662-12(3): Funding For Keewatin Communities' Involvement In Saskatchewan Uranium Mine Hearings

**HON. TITUS ALLOOLOO:**

(Translation) Thank you, Mr. Speaker. First of all, the people who are holding the hearings with regard to uranium mining want to hold those hearings in parts of Saskatchewan. We will keep in touch with them. We are going to ask them if they can hold hearings in the Northwest Territories with regard to uranium mining, and whether intervenor funding is available. We will be asking the people whether funding can be available to be used by the Keewatin. The Department of Renewable Resources will try to provide support to them but they have not allocated any funding as of today. If they ask us whether they need funding we will try to find out whether we can provide the funding or not.

**MR. SPEAKER:**

Supplementary, Mr. Arngna'naaq.

Supplementary To Question 662-12(3): Funding For Keewatin Communities' Involvement In Saskatchewan Uranium Mine Hearings

**MR. ARNGNA'NAAQ:**

Thank you, Mr. Speaker. From what the Minister has said, he has indicated they are going to make a request to the chairpersons of the hearings to hold hearings in the Northwest Territories. From other proponents who are involved in these hearings, they have indicated the federal government does not have the funds to hold any other hearings outside of the communities they have identified. I would like to know if the government would make resources available, either to the panel or to the communities in the Keewatin to be involved in the hearings.

**MR. SPEAKER:**

Mr. Allooloo.

Further Return To Question 662-12(3): Funding For Keewatin Communities' Involvement In Saskatchewan Uranium Mine Hearings

**HON. TITUS ALLOOLOO:**

(Translation) Thank you, Mr. Speaker. As I have stated earlier, the Department of Renewable Resources does not have any funding available for the purpose of these hearings. If the communities ask us for funding or support, for example in Quebec when they were holding an environmental review panel, for environmental hearings, we only fund when the communities ask us. If they want funding for them to attend meetings, we are able to provide funding for them. Thank you.

**MR. SPEAKER:**

Item 5, oral questions. Mr. Whitford.

Question 663-12(3): Privatization Of NWT Power Corporation

**MR. WHITFORD:**

Thank you, Mr. Speaker. I was going through the interesting announcement which the Government Leader had made yesterday concerning the potential opportunity for the sale of the Power Corporation. The one question which came out of this, and I have asked it subsequent to the announcement, was why? When we took over the Power Corporation in 1988, only four or five short years ago, NCPC was in a tremendous amount of debt. Through good corporate management and excellent work they have managed to pull themselves out of debt and be very responsive to community needs and the needs of northern people when it comes to this service. When it is making money and has a potential to continue to make money, why are we thinking of divesting ourselves from an economic opportunity that can continue to put money into our treasury?

**MR. SPEAKER:**

Madam Premier.

Return To Question 663-12(3): Privatization Of NWT Power Corporation

**HON. NELLIE COURNOYEA:**

Mr. Speaker, that was part of the commitment we made when we took over the Power Corporation and the condition of sale from the federal government, that

we would come up with a privatization plan that could be considered. Thank you.

**MR. SPEAKER:**

The time allotted for oral questions is concluded. Item 6, written questions. Mr. Koe.

ITEM 6: WRITTEN QUESTIONS

Written Question 35-12(3): Contract For Revamping Of Public Health System

**MR. KOE:**

I have a written question for the Minister of Health. In committee of the whole on March 29, 1993, Dr. Kinloch stated that, "A contract has been let to assist in developing some of the issues which have to be dealt with in revamping a public health act which is seriously obsolete."

1. Who was the contract let to?
2. What procedures were used to let this contract?
3. Was the contract tendered, sole-sources or was call for proposals made?
4. Were business incentive policy provisions used in determining who the contract was let to?
5. What is the time frame in which the contract work will be done?

Will the Minister please respond to this written question by Friday, April 2, 1993.

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**MR. SPEAKER:**

Item 6, written questions. Mr. Koe.

Written Question 36-12(3): Recommendations From The 1992 Master Plan For Corrections

**MR. KOE:**

I have a written question for the Minister of Justice. The 1992 master plan for corrections makes some 33 recommendations for changes in the existing corrections and justice system in the Northwest Territories.

Would the Minister please respond to the following questions:

- a) What is the status of the 33 recommendations, how many have been acted upon or implemented to date?
- b) What are the priorities for implementation of the balance of the recommendations?

Mahsi.

**MR. SPEAKER:**

Item 6, written questions. Mrs. Marie-Jewell.

Written Question 37-1(3): Option For The Implementation Of The Master Plan For Corrections

**MRS. MARIE-JEWELL:**

Thank you, Mr. Speaker. I have three written questions for the Minister of Justice with respect to the master plan on corrections.

1. Could the Minister provide a list of some of the options for dispositions which may be implemented in the model B approach in the corrections plan, if the corrections plan is adopted?
2. To provide a list of those duties currently performed by corrections specialists in respect to correctional specialists who are stated in the plan.
3. Will the Minister advise who will assume those duties after the mandate has changed, according to the plan?

Thank you.

**MR. SPEAKER:**

Item 6, written questions. Item 7, returns to written questions. Item 8, replies to opening address. Item 9, petitions. Item 10, reports of standing and special committees. Mr. Zoe.

ITEM 10: REPORTS OF STANDING AND SPECIAL COMMITTEES

Committee Report 19-12(3): Report On The Revision Of The Rules

**MR. ZOE:**

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

Mr. Speaker, the Standing Committee on Rules, Procedures and Privileges has the responsibility to review the rules of the Legislative Assembly and any other matters brought to its attention by Members.

During the first meeting of the Standing Committee on Rules, Procedures and Privileges of the 12th Assembly, the standing committee agreed to undertake a comprehensive review of the rules of the Legislative Assembly. The standing committee decided that a focus on eliminating grammatical inconsistencies and terms reflecting gender bias should be included in this review.

The Standing Committee on Rules, Procedures and Privileges presented its interim report on the comprehensive review of the rules (Committee Report 15-12(2)) on June 26, 1992. The standing committee reported on the topics that had been referred to the committee for consideration, and reported the decision of the standing committee to also undertake a reassessment of the rules to simplify their language and sentence structure.

Following a process of consultation with Members and thorough review and discussion of the rules, the Standing Committee on Rules, Procedures and Privileges presented its final report on the comprehensive review of the rules (Committee Report 16-12(3)) to the House on March 16, 1993.

The final report on the comprehensive review of the rules included eight recommendations which were presented to the House. On March 22, 1993, seven of these recommendations were adopted by the Legislative Assembly. Five of the adopted recommendations directed the preparation of specific amendments to the rules. The Assembly agreed that these amendments should be incorporated in a new rule book, along with revisions to simplify the rules and to eliminate grammatical inconsistencies and gender bias, to be presented to the Assembly for approval prior to the conclusion of the Third Session.

During its examination of the rules to correct inconsistencies and gender bias and to simplify the rules, the standing committee identified additional areas which require further review and consideration. The standing committee noted that under rule 3, the two sessions that the Assembly is required to hold each year by the federal Northwest Territories Act, must commence on the second Wednesday in February and on the first Wednesday in October. The standing committee questioned whether it is

necessary to specify the commencement of sessions within the rules, and will consider this issue further.

The Standing Committee on Rules, Procedures and Privileges noted as well that the current rule 9, dealing with the election of the Speaker, does not reflect present procedure. Although the standing committee has previously reported to the House that it does not recommend the incorporation of the procedures of the Territorial Leadership Committee within the rules at this time, the standing committee is of the view that the procedure for the election of the Speaker should be re-examined by this committee.

The standing committee also intends to continue to consider issues relating to the cultural relevance of the proceedings of the Assembly, as previously reported to the House.

In accordance with the motions carried by the Legislative Assembly on March 22, 1993, the Standing Committee on Rules, Procedures and Privileges has redrafted the rule book

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for the approval of the Assembly. The revised rule book incorporates the amendments approved by the Legislative Assembly from the standing committee's final report on the comprehensive review of the rules. The amendments which required the addition of new rules have been incorporated in rules 38, 59(4), 61 and 93(4) of the revised rule book. The rule book also includes further revisions to correct grammatical inconsistencies and gender bias, and to simplify and clarify the sentence structure, language and meaning of the rules. Where the current rules have been reworded, the new rule is identified in bold type.

Therefore, this committee recommends that the following revised rule book be adopted by the Legislative Assembly,

And further, that the revised rule book as adopted be effective on the first sitting day of the Fourth Session of the 12th Assembly.

Mr. Speaker, what follows in this report is the proposed revised rule book which contains 103 rules. I would request that the proposed revised rule book from rule 1 through rule 103 be considered and printed in the Hansard.

**MR. SPEAKER:**

Is there agreement?

**SOME HON. MEMBERS:**

Agreed.

--Agreed

**MR. SPEAKER:**

It is agreed. The proposed revised rule book will be printed as read. Mr. Zoe.

General Rules

1(1) The proceedings in the Legislative Assembly of the Northwest Territories and in all committees of the Legislative Assembly shall be conducted according to these rules.

(2) In all cases not provided for in these rules or by other orders of the Assembly, the customs and procedures of this Assembly, the House of Commons and the provincial and territorial Legislatures shall be followed, so far as they apply to this Assembly.

2 In these rules:

- (a) "Assembly" means the Legislative Assembly of the Northwest Territories;
- (b) "Clerk" means the Clerk of the Assembly;
- (c) "Hansard" means the edited official record of the Assembly proceedings;
- (d) "House" means the Legislative Assembly of the Northwest Territories;
- (e) "Law Clerk" means the legal counsel to the Assembly;
- (f) "Minister" means a Member of the Executive Council of the Government of the Northwest Territories;
- (g) "Point of Order" means any departure from any written or unwritten rule or custom of this Assembly or of parliamentary tradition;
- (h) "Private Bills" means those bills related to matters of particular interest or benefit to a person or persons, corporation or municipality;
- (i) "Private Members' Bills" are public or private bills introduced by ordinary Members. Private Members' bills shall not involve the expenditure of public funds or the imposition of any tax;

(j) "Privilege" means all of the privileges to which Legislatures and their Members are traditionally entitled.

The privileges of Members include:

- (i) freedom of speech;
- (ii) freedom from arrest in civil matters;
- (iii) exemption from jury duty;
- (iv) exemption from attendance as a witness in court while the House or a committee is sitting; and
- (v) freedom from obstruction and intimidation in relation to their duties as elected representatives.

The privileges of the House include:

- (i) the power to maintain order and to discipline for breaches of privilege and for contempt of the House. Contempt of the House may include disobedience to its orders, misconduct before it, affronts against its dignity and authority, and any act or omission which impedes or obstructs the House or its Members in the performance of their duties; and
- (ii) the right to regulate its internal affairs, including the right to set its own rules and to exercise control over publications.
- (k) "Public Bills" are bills relating to matters of administration or public policy of general application within the Northwest Territories;
- (l) "Rules" means the rules of the Legislative Assembly;
- (m) "Strangers" means any persons admitted to the floor of the Assembly chamber other than the Commissioner, Members, officers and staff of the Assembly and witnesses appearing before the committee of the whole;
- (n) "Transcript" means the unedited record of the Assembly proceedings.

Sittings Of The Assembly

3(1) The Assembly shall hold two sessions each year;

- (a) one beginning the second Wednesday in February; and
- (b) one beginning the first Wednesday in October.

(2) Notwithstanding rule 3(1), the Commissioner shall call the Assembly into special session at the request of

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the Executive Council or of a majority of the Members of the Legislative Assembly.

4(1) The Assembly shall meet on Mondays, Tuesday, Wednesdays and Thursdays from 1:30 pm to 6:00 pm and on Fridays from 10:00 am to 2:00 pm unless otherwise ordered.

(2) When the Assembly rises on Friday it stands adjourned until the following Monday unless otherwise ordered.

5 The Assembly shall not meet on New Year's day, Good Friday, Easter Monday, Victoria day, Canada day, the first Monday in August, Labour day, Thanksgiving day, Remembrance day, Christmas day and Boxing day unless otherwise ordered.

6 At 6:00 pm on Mondays, Tuesday, Wednesdays and Thursdays, and at 2:00 pm on Fridays the Assembly shall be interrupted by the Speaker, or if the Assembly is in committee of the whole, by the chair, who shall rise and report progress. The Speaker shall adjourn the Assembly and all remaining business shall stand over until the next sitting day when it shall be taken up at the point of interruption.

Quorum

7(1) The presence of a majority of the Members, including the Speaker, shall be necessary to constitute a meeting of the Assembly.

(2) A majority of Members constitutes a quorum of the Assembly.

(3) If at the time of meeting the Speaker takes the chair and finds there is not a quorum, the Speaker shall adjourn the Assembly until the next sitting day.

(4) Whenever the Speaker adjourns the Assembly for lack of quorum, the time of adjournment and the names of the Members present shall be recorded in Hansard.

(5) If the attention of the Speaker is drawn to a lack of a quorum during a sitting, the Speaker shall call in the Members for up to 15 minutes. If there is still no quorum the Speaker shall adjourn the Assembly until the next sitting day.

(6) If the attention of the chair is drawn to a lack of a quorum, the chair shall call in the Members for up to 15 minutes. If there is still no quorum the chair shall rise and report to the Speaker.

8 Notwithstanding rule 6, a Member may propose a motion without notice in the Assembly or in committee of the whole to continue a sitting beyond the hour of daily adjournment for the purpose of continuing consideration of a specified item of business, subject to the following conditions:

(a) the motion must relate to the business then being considered;

(b) the motion must be proposed prior to the scheduled time for daily adjournment; and

(c) the motion shall not be subject to debate or amendment.

Speaker

9(1) At its first sitting after a general election, or when a vacancy occurs in the office of the Speaker, the House shall elect a Speaker from among its Members before entering into any business.

(2) The election of the Speaker shall be presided over by the Clerk and shall take place by motion without notice. A motion must be made and seconded for each Member proposed, and may not be amended.

(3) If only one Member is proposed the Clerk shall declare that Member elected. If two or more Members are proposed the motions shall be considered jointly. At the conclusion of the debate, the motion first made shall be placed first, and if it is carried the proposed Member shall be declared elected. If it is defeated the motions will be placed in the order in which they were proposed until a Member is elected.

(4) In the case of a tie, the Clerk shall declare the motion to be defeated.

(5) The Speaker shall hold office at the pleasure of the Assembly.

10(1) The Speaker shall not take part in any debate before the Assembly.

(2) In the case of a tie, the Speaker shall cast the deciding vote, and may state reasons.

11(1) If the Speaker is unable to act, the Deputy Speaker shall act in his place.

(2) A motion to remove the Speaker, Deputy Speaker or a chair of committee of the whole requires notice to be given in accordance with rules 30 and 39.

#### Deputy Speaker - Committee Chairs

12(1) A Deputy Speaker shall be elected at the commencement of every Assembly.

(2) In the case of a vacancy in the office of the Deputy Speaker the Assembly shall elect a successor without delay.

(3) The Deputy Speaker shall act as chair of committee of the whole and shall preside over and maintain order in the committee.

(4) Two deputy chairs of committee of the whole shall be elected at the commencement of every Assembly. During the absence of the chair or when directed by the Speaker one of the deputy chairs named by the Speaker shall act as chair of the committee of the whole Assembly.

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(5) In the absence of the Deputy Speaker and the deputy chairs of committee of the whole, the Speaker shall appoint any Member to act as chair of committee before leaving the chair.

#### Order And Decorum

13(1) The Speaker shall preserve order and decorum and shall decide questions of order.

(2) In deciding a point of order or practice, the Speaker shall state the applicable rule or other authority. The Speaker's decision shall not be subject to debate or appeal.

(3) Whenever the mace is on the table, Members shall upon entering, leaving or crossing the Assembly chamber show respect for the right of people to rule their own lives by bowing in the direction of the mace.

(4) Out of respect no Member shall pass between the chair and the table when the mace is on the table.

(5) When the Speaker is putting a question, no Member shall enter, leave or cross the House, or make any noise or disturbance.

(6) When a Member is speaking, no Member shall pass between that Member and the chair, nor interrupt him or her except to raise a point of order or question of privilege.

(7) Members shall refer to each other by surname or as "the honourable Member for (name of constituency)" or as "the honourable Member."

(8) When the Speaker speaks, any Member speaking shall sit and the Speaker shall be heard without interruption.

(9) When in the Assembly every Member shall be attired in native dress or in a manner appropriate to the dignity of the Assembly.

(10) Smoking is not permitted during any proceedings of the Assembly. Food and beverages, other than water, may not be brought into or consumed in the chamber.

(11) When the Assembly adjourns the Members shall stand and remain standing in their places until the Speaker has left the chamber.

#### Conflict Of Interest

14 No Member is entitled to vote upon any question in which he or she has a direct or indirect financial interest, and the vote of any Member so interested shall be disallowed.

15 Notwithstanding rule 14, a Member is entitled to vote upon any question concerning the indemnities, expenses, allowances and salaries of that Member or any other Member payable by the Government of the Northwest Territories.

#### Strangers

16(1) Strangers may be admitted to that part of the Assembly chamber set aside for that purpose.

(2) No stranger admitted to the Assembly chamber shall:

(a) at any time enter into that portion of the chamber reserved for the use of Members, officers and staff;

(b) send written notes to Members or Assembly staff, except through a page on duty;

(c) use any type of photographic, television or sound equipment in the chamber unless previously authorized by the Speaker.

17(1) When any Member takes notice that strangers are present on the floor of the chamber the Speaker or the chair shall put the question "Shall strangers be ordered to withdraw." The question shall not be subject to debate or amendment.

(2) Notwithstanding rule 17(1), the Speaker or the chair may at any time order the withdrawal of strangers or the clearing of the gallery.

18 The Sergeant-at-Arms shall, when ordered by the Speaker or the chair, eject any stranger who engages in misconduct or does not withdraw when directed.

#### Business Of The Assembly

19 A prayer shall be read in an official language each sitting day before the Assembly enters upon any business. The Speaker may read a prayer, or may call upon a willing Member or the Clerk to read a prayer.

20(1) The opening day of each session shall begin with an "Opening Address" read by the Commissioner of the Northwest Territories.

(2) The order of business on the opening day of each session shall be:

1. Prayer
2. Opening Address
3. Ministers' Statements
4. Members' Statements
5. Oral Questions
6. Written Questions
7. Petitions
8. Reports of Standing and Special Committees
9. Tabling of Documents
10. Notices of Motion
11. Notices of Motions for First Reading of Bills
12. Motions
13. First Reading of Bills
14. Second Reading of Bills

15. Orders of the Day

(3) The daily routine of business in the Assembly shall be:

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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
16. First Reading of Bills
17. Second Reading of Bills

(4) The order of business in the Assembly each day after the daily routine shall be:

1. Consideration in Committee of the Whole of Bills and Other Matters
2. Report of Committee of the Whole
3. Third Reading of Bills
4. Orders of the Day.

Ministers' Statements

21(1) A Minister may make a short factual announcement or statement of government policy.



(2) A copy of each Minister's statement, with translation, shall be filed with the Clerk one hour prior to the sitting of the Assembly during which the statement will be given.

(3) The Clerk shall give a copy of each statement to each Member prior to or during the sitting of the Assembly during which the statement will be given.

(4) Notwithstanding rule 21(2), in the case of an emergency a Minister may make a statement without filing a copy with the Clerk.

(5) Any Member may, without notice, move a Minister's statement into committee of the whole for discussion. The motion shall not be subject to debate or amendment.

(6) The time allotted for Ministers' statements shall not exceed twenty minutes.

#### Budget Address And Replies

22(1) Under the item "Ministers' Statements," the Minister of Finance may inform the House of his intention to present the budget address on a specific date.

(2) Upon receiving notice of the budget address, the Speaker shall place the item "Budget Address" on the orders of the day for the day of presentation immediately after "Prayer."

(3) The item "Replies to Budget Address" shall be placed on the orders of the day after "Replies to Opening Address" on the day of the presentation of the budget and for the next six sitting days.

(4) Every Member may make one reply not to exceed twenty minutes.

#### Members' Statements

23(1) Under the item "Members' Statements," a Member may make a statement on any matter.

(2) The Speaker may order a Member who makes improper use of the Member's statement to take his seat.

(3) Statements made under rule 23(1):

(a) shall not exceed two and one half minutes;

(b) shall be confined to one matter; and

(c) shall be limited to one statement per day by any Member.

(4) A Minister may make a statement in accordance with rule 23(1), but the statement must not relate to his or her responsibility as a Minister.

#### Orders Of The Day

24 All items on the orders of the day shall be taken up according to their precedence on the order paper.

25 The orders of the day shall include all items that are pending in committee of the whole.

26 Immediately prior to adjournment on each sitting day the Clerk shall announce the orders of the day for the next sitting day.

27 All items on the orders of the day not taken up at the adjournment of the Assembly shall be placed on the orders of the day for the next sitting day.

#### Replies To Opening Address

28(1) Every Member may make one reply to the opening address given pursuant to rule 20(1) and may speak on any matter.

(2) The item "Replies to Opening Address" shall be placed on the orders of the day for the day after opening day and for every following sitting day, except the day of prorogation.

#### Motion To Adjourn

29A motion to adjourn either the Assembly or a debate is always in order, but no second motion to adjourn may be made until an intermediate proceeding has taken place.

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#### Waiver Of Rules

30(1) The Assembly may waive any rule, procedure, custom or precedent by unanimous consent.

(2) Notwithstanding, rule 30(1) does not apply to the removal of the Speaker, Deputy Speaker or a deputy chair of committee of the whole.

#### Privilege

31(1) When a matter of privilege arises it shall be considered immediately.

(2) A Member may always raise a question of privilege in the Assembly immediately after the words are uttered or the events occur that give rise to the question.

(3) The Speaker may allow debate to assist the Speaker to determine whether a prima facie case of breach of privilege has taken place and whether the matter is being raised at the earliest opportunity.

(4) When the Speaker has ruled

(a) that there appears to be a prima facie breach of privilege, and

(b) that the matter has been raised at the earliest opportunity, then any Member may either immediately propose a motion or, by the conclusion of the next sitting day, give notice of a motion calling upon the Assembly to take action on the matter or referring the matter to a committee of the Assembly.

(5) If the Speaker rules that there is no prima facie case of privilege or that the matter has not been raised at the earliest opportunity, the matter is then closed.

(6) Unless otherwise directed by the Assembly, it is not a breach of privilege for a Member of a committee to discuss with the Members of the Assembly, on a confidential basis, matters that are under consideration by the committee.

32(1) With leave of the Speaker, any Member may explain a matter which, although not a contempt or breach of privilege, concerns the Member in his or her capacity as a Member of the Legislative Assembly. In particular, the Member may explain that he or she has been misquoted or misunderstood, or deny published accusations against the Member. The explanation must be clear and concise and no debate shall be allowed.

(2) At least one hour prior to making the remarks the Member must provide written notice to the Speaker settling out of the substance of the Member's comments. If responding to written or spoken words, the Member must attach to the notice a copy of the written words or notes of the spoken words.

#### Rules Of Debate

33 Every Member recognized to speak shall stand in his or her place and address the Speaker.

34 No Member shall speak for more than twenty minutes at any time in debate, but this rule does not apply to:

(a) replies to opening address; and

(b) Members' statements.

35 In debate a Member will be called to order by the Speaker if the Member:

(a) speaks twice to a question, except in the case of a mover concluding debate, or in explanation of a material part of the Member's speech which may have been misquoted or misunderstood. The Member is not to introduce any new matter and no debate shall be allowed upon any explanation;

(b) speaks to matters other than:

(i) the question under discussion;

(ii) a motion or amendment the Member intends to move; or

(iii) a question of privilege or a point of order;

(c) persists in needless repetition or raises matters which have been decided during the current session;

(d) refers at length to debates of the current sessions or reads unnecessarily from Hansard or any other document. The Member may quote relevant passages which are necessary to complain of something said or to reply to an alleged misrepresentation.

(e) interrupts another Member except to raise a point of order or privilege;

(f) reflects upon any previous vote of the Assembly except for the purpose of moving that it be rescinded;

(g) refers to any matter

(i) that is pending in a court or before a judge; or

(ii) that is before any quasi-judicial, administrative or investigative body constituted by the Assembly or under the authority of an act of the Assembly where any person may be prejudiced in such matter by the reference;

(h) makes allegations against another Member, a House officer or a witness;

(i) imputes false or hidden motives to another Member;

(j) charges another Member with uttering a deliberate falsehood;

(k) uses abusive or insulting language of a nature likely to create disorder;

(l) speaks disrespectfully of Her Majesty, any member of the royal family, His Excellency the Governor General, the Commissioner, the Assembly or any Member; or

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(m) introduced any matter in debate that offends the practices and precedents of the Assembly.

36 The Speaker shall inform the Assembly that the reply of the mover of the original motion closes the debate.

Point Of Order

37(1) A Member addressing the Assembly who is called to order by the Speaker or on a point of order raised by another Member shall sit while the point of order is stated.

(2) When the point of order has been stated the Member called to order may explain.

(3) The Speaker may permit debate strictly relevant to the point of order giving a decision.

Naming Of A Member

(4) If a Member is called to order for words spoken in debate, the words shall be recorded by the Clerk on the request of any Member. Any Member who has used offensive words and does not retract them or explain or apologize to the satisfaction of the Assembly may be censured or dealt with as the Assembly thinks fit.

(5) If a Member engages in irrelevance of lengthy repetition of his own or other Members' arguments, the Speaker or the chair may call the attention of the Assembly or the committee of the whole, respectively, to the conduct of the Member. If the Member persists in this conduct, the Speaker or the chair may direct the Member to stop speaking. If the Member continues to speak in the Assembly the Speaker shall name the Member. If the Member continues to speak

in committee of the whole, the chair shall report the Member to the Speaker.

(6) A Member may be named by the Speaker for disregarding the authority of the chair, or for abusing the rules by persistently and wilfully obstructing the business of the Assembly.

(7) A Member named under rule 37(5) or (6) shall be suspended from the Assembly for the remainder of the sitting day. A motion without notice may be moved to increase the length of the suspension of the named Member and shall be decided without amendment or debate.

(8) If the named Member refuses to leave after the Assembly orders him or her to leave, a motion may be made to increase the length of the suspension for the remainder of the session.

(9) Where an offence to which rule 37(5) or (6) applies is committed in committee of the whole the chair shall suspend proceedings and report the circumstances to the Assembly. The Speaker shall proceed as if the offence had been committed in the Assembly.

Emergency Debate

38(1) After oral questions a Member may move to set aside the ordinary business of the House to discuss a matter of urgent importance requiring immediate consideration, subject to the following conditions:

(a) the Member proposing the motion shall give written notice of the matter proposed to be discussed by the Speaker at least one hour before the sitting of the House;

(b) no more than one matter shall be discussed on the same motion;

(c) the motion must not revive discussion on a matter which has been discussed in the same session pursuant to this rule;

(d) the motion must not raise a matter of privilege;

(e) the motion must not raise any matter which may only be debated upon a motion with notice.

(2) On any day during which more than one notice is received under this rule, the Speaker shall decide which notice shall receive precedence.

(3) The Member proposing the motion may make a statement of not more than five minutes explaining the matter to be discussed.

(4) The Speaker may allow such debate as he or she considers necessary to decide the question of urgency of debate and shall then rule on whether the matter is proper for discussion under this rule.

(5) No Member may speak for more than five minutes in debate pursuant to rule 38(4).

(6) If the Speaker rules that the matter is proper for discussion under this rule, the question of whether the debate shall proceed shall be decided by a vote of the Members.

(7) No Member shall speak for more than ten minutes in debate pursuant to this rule, and the debate shall conclude:

- (a) when all Members wish to speak have spoken; or
- (b) at the usual hour of adjournment;

whichever occurs first.

#### Notice

39 Forty-eight hours notice shall be given of a motion.

40 Notwithstanding rule 39, no notice is required for the following motions:

- (a) to continue a sitting beyond the normal hour of daily adjournment;

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- (b) introduced in committee of the whole to amend a bill or a motion, or to report progress;

- (c) to suspend a Member from the Assembly;

- (d) to order the withdrawal of strangers;

- (e) to adjourn the Assembly or the debate;

- (f) to deal with a question of privilege;

- (g) relating to bills after their introduction;

(h) to set aside the ordinary business of the House to discuss a matter of urgent public importance, provided that one hour's notice has been given to the Speaker;

- (i) to move a Minister's statement into committee of the whole; or

- (j) to amend another motion.

41(1) A Member giving notice shall:

- (a) specify the day on which the motion is to be moved;

- (b) read the full text of the resolution of the motion; and

- (c) deliver at the table a written copy of the motion.

(2) The notice referred to in rule 41(1) shall be included in Hansard.

42 No Member shall give more than two notices of motion in one day.

#### Motions And Amendments

43(1) A motion is used to propose that the Assembly

- (a) do something,

- (b) order something to be done, or

- (c) express an opinion on a matter.

(2) An adopted motion becomes either an order or resolution of the Assembly. It becomes an order when the Assembly requires its committees, its Member or any other person to do something. It becomes a resolution when it declares the opinion of the Assembly or affirms a fact or a principle.

44 All motions shall be in writing, and shall be read by the mover and seconded before being debated or put from the chair.

45 All motions are debatable except those:

- (a) to continue a sitting beyond the hour of daily adjournment;

- (b) to suspend a Member from the Assembly;

- (c) to order the withdrawal of strangers;

- (d) to give first reading of a bill;

- (e) to adjourn the committee of the whole or the Assembly;

(f) to remove the Speaker, deputy speaker or a deputy chair of committee of the whole; or

(g) to move a Minister's statement into committee of the whole;

(h) to defer a motion or item under discussion.

46(1) Every Member has the right to speak once to a motion. The mover of the motion also has the right to the last reply.

(2) Notwithstanding rule 46(1), the mover of an amendment to a motion has no right to the last reply.

47 When a question is under debate no motion shall be received except:

(a) to amend the question;

(b) to postpone the question to a specific day;

(c) to adjourn the debate;

(d) to defer the question;

(e) to extend sitting hours;

(f) to report progress when in committee of the whole; or

(g) to adjourn the Assembly.

48 A motion to refer a bill, resolution or question to committee of the whole or to a standing or special committee shall take precedence over amendments to the bill, resolution or question.

49 A Member who has made a motion may withdraw it with the consent of the seconder provided debate has not begun.

50 Whenever the Speaker is of the opinion that a motion offered to the Assembly is contrary to the rules and privileges of the Assembly, the Speaker shall inform the Assembly immediately, quoting the applicable rules or authority, and shall not put the question to the Assembly.

51(1) A motion that has been twice called from the chair and not proceeded with shall be dropped, but it may be restored to the order paper after due notice.

(2) If a restored motion is again called from the chair and not proceeded with, it shall be dropped from the

order paper, and may not be introduced again during the same session.

52 A formal motion that has been defeated in the Assembly cannot be made again in the same session. A motion that has been carried may be rescinded by a new motion.

53 A motion defeated in committee of the whole may be made again in the Assembly at the same session.

#### Voting

54(1) Questions shall only be put when a quorum is present.

(2) Questions shall be decided by a majority of Members voting.

(3) If a quorum of Members is not present on a question, the Speaker or chair of committee of the whole shall call in the Members in accordance with rule 7(5) and (6).

55(1) The names of the Member voting on each side of the question shall not be recorded in Hansard unless a recorded vote is requested by a Member.

(2) When a recorded vote is requested the Speaker shall first call upon the mover of the motion, and then upon those voting in the affirmative, and in the negative, and those abstaining, to rise. Names shall be called successively from the mover's left, and shall be recorded in Hansard.

#### Questions

56 Written and oral questions relating to public affairs may be asked of a Minister. In putting a question or replying to it, no argument, opinion or facts shall be stated except so far as is necessary to explain, and the matter referred to shall not be debated.

#### Oral Questions

57(1) Under the item "oral questions," questions relating to public affairs may be put to Ministers.

(2) An oral question shall be concisely and clearly put and shall refer only to a matter which may reasonably be assumed to be within the present knowledge of the Minister to whom it is directed.

(3) The Minister may:

(a) answer the question; or

(b) state that he or she takes the question as notice and answer it orally on a subsequent day under the item "returns to oral questions."

(4) When a Minister answers an oral question, only three supplementary questions per Member directly related to the same subject may be asked.

(5) The time allotted for oral questions shall not exceed sixty minutes.

#### Written Questions

58(1) Under the item "written questions", written questions may be asked of Ministers. A question which would be likely to require a detailed or complex answer, or which would not reasonably be assumed to be within the present knowledge of the Minister, should be posed as a written question.

(2) All written questions shall be filed with the Clerk, who shall endorse the date of filing and provide copies to all Members.

59(1) A Minister to whom a written question is directed shall, without necessary delay, file a reply with the Clerk, who shall endorse the date of filing.

(2) Under the item "returns to written questions," the Clerk shall inform the Assembly of the returns or provisional returns received, deliver copies to all Members, and have the returns printed in Hansard.

(3) Under the item "returns to written questions," a Minister may read a return which has been filed in accordance with rule 59(1).

(4) A Minister shall provide a return to a written question within 21 calendar days, unless the Minister files a provisional return with the Clerk indicating:

(a) that more time is required;

(b) the reason for the delay; and

(c) the date upon which the information will be provided.

#### Petitions

60(1) A petition to the Assembly may be presented by a Member at any time during a sitting of the Assembly by filing it with the Clerk, or in the manner set out in rule 60(2).

(2) A Member may present a petition from his or her place in the House under the item "petitions." The Member shall endorse his or her name on the petition and shall confine the presentation to a statement of the petition, the number of signatures and the material allegations. A Member shall not exceed five minutes in presenting a petition.

(3) Every petition presented under rule 60(2) shall be reported to the House by the Clerk under the item "petitions."

(4) No debate shall be allowed on the presentation of a petition.

(5) A Member presenting a petition shall be answerable for any impertinent or improper matter that it contains.

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(6) Petitions may be either written or printed. When there are three or more petitioners the signature of at least three petitioners shall be set on the sheet containing the body of the petition.

(7) A petition that complains of some present personal grievance requiring an immediate remedy may be debated immediately.

(8) A Member may, after notice, move that a petition be referred to a standing or special committee which shall report its recommendations to the Assembly.

(9) The Clerk shall deliver all petitions presented to the Speaker or the Minister responsible.

(10) The Speaker or the Minister responsible shall provide a response to a petition within 60 days of its presentation. The response shall be tabled at the earliest opportunity.

#### Tabled Documents

61(1) Under the item "tabled documents," a Member may provide the House any document which is required to be tabled in the House by any act or order of the Assembly, or which may be in the public interest. A Member may make a brief factual statement to identify the document.

#### Bills

62 Every bill shall be introduced upon notice of motion for first reading specifying the title of the bill.

63 No bill may be introduced in blank or in imperfect form.

64(1) Every bill shall receive three separate readings, on different days, before being passed.

(2) Notwithstanding rule 64(1), a bill may be read two or three times, or advanced two or more stages in one day, unless this action is opposed by two or more Members.

65 When a bill is presented the question "That this bill be now read for the first time" shall be decided without amendment or debate.

66 Notwithstanding rule 64, an appropriation bill bringing forward the capital or operation and maintenance budget for the forthcoming year may receive second reading on the same day on which it received first reading.

67 The Clerk or clerk assistant shall certify upon each bill the date of reading and of passage.

68 Every bill shall be read twice in the Assembly before committal or amendment.

69(1) The debate on a motion for second reading must be limited to the object, expedience, principles and

merits of the bill. The details of the bill are not debatable.

(2) Unless otherwise ordered by the Assembly, when a bill is read for the second time it stands ordered to the appropriate standing or special committee.

(3) Notwithstanding rule 69(2), when a bill for the appropriation of any part of the public revenue of the Northwest Territories is read for the second time it stands ordered into committee of the whole for consideration.

70(1) Unless otherwise ordered by the Assembly, bills referred to a committee shall not be proceeded with until the Assembly receives the report of the committee or 120 days pass from the day the bill was given second reading.

(2) All amendments made in a standing or special committee must have the concurrence of the sponsor of the bill.

(3) All amendments made in the committee shall be reported to the Assembly. Every bill reported from

any committee, whether amended or not, shall be received by the Assembly and ordered into committee of the whole.

(4) When amendments to a bill have been made in a committee, the bill shall be reprinted as amended and introduced with the report of the committee.

(5) Unless otherwise ordered by the Assembly, a bill reported by a committee shall not be taken into consideration until two sitting days have passed from the presentation of the report.

71(1) In proceedings in committee of the whole on bills, the preamble and title are first postponed; then every other clause is considered by the committee in its proper order. The preamble and title are considered last.

(2) All amendments proposed to bills in committee of the whole must be written and translated and made available to the Assembly at the time the amendment is proposed.

72(1) When a bill is being considered in committee of the whole, questions relating to the content of the bill shall only be addressed to the Minister or Member in charge of the bill.

(2) Notwithstanding rule 72(1), a Minister may refer questions on a bill to another Minister.

(3) When a bill is being considered in committee of the whole, the Minister or Member in charge of the bill may, with the consent of the committee as provided in rule 97(1), have witnesses appear to supply information as required.

73(1) When a bill has been amended in committee of the whole it shall be reprinted as amended if so ordered by the committee.

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(2) When the bill has been sent to be reprinted, it shall be marked on the orders of the day "being reprinted," and shall not be further proceeded with until that mark has been removed.

74(1) All amendments made in committee of the whole shall be reported by the chair.

(2) The report of a bill from committee of the whole shall be received and the motion for concurrence shall be disposed of without debate or amendment.

75 When a bill is reported it is ordered to be read the third time at a time appointed by the Assembly.

#### Money Message

76(1) The Assembly may not adopt or pass any vote, resolution, address or bill for the appropriation of a tax or of public revenue except for a purpose recommended to the Assembly by the Commission in the session in which the vote, resolution, address or bill is proposed.

(2) Rule 76(1) relates only to appropriations and does not refer to the imposition of taxes. The only condition imposed on a taxation measure is that it be introduced by a Minister.

#### Private Members' Bills

77 A Member who is not a Minister may introduce a private Member's public or private bill which does not involve the expenditure of public funds or the imposition of any tax. Rules 62 to 76 inclusive, where relevant, apply to private Members' bills.

#### Committee Of The Whole

78(1) The rules and procedures of the Legislative Assembly shall be observed in committee of the whole so far as they are applicable, except the rules which relate to seconding motions and which limit the number of times a Member may speak.

(2) Speeches in committee of the whole must be strictly relevant to the item or clause under consideration.

(3) The chair shall maintain order in committee of the whole and shall decide all questions of order subject to an appeal to the Speaker.

(4) Disorder in committee of the whole may be censured only by the Assembly, on receiving a report from the committee.

79(1) No Member shall speak for more than ten minutes at any one time in committee of the whole.

(2) Subject to the discretion of the chair a Member may speak more than once to a matter under discussion but not until every Member wishing to speak has spoken.

80 The requirements for seconding motions shall not apply in committee of the whole.

81 The chair of a standing or special committee which considered a matter shall not chair the committee of the whole when that matter is under discussion.

82 The chair of committee of the whole shall not vote except to cast the deciding vote in the case of a tie.

83(1) The committee of the whole shall report to the Assembly on progress regarding bills and other matters under consideration.

(2) The report of progress from committee of the whole shall be received and the motion for concurrence shall be disposed of without debate or amendment.

84(1) A motion that the chair of committee of the whole leave the chair shall always be in order, shall take precedence over any other motion and shall not be debatable.

(2) If a motion referred to in rule 85(1) is rejected, it cannot be renewed unless some intermediate proceeding has taken place.

#### Standing And Special Committees

85 At the commencement of the First Session of each Legislature the Assembly shall appoint a Striking Committee of four Members to report and recommend with all convenient speed Members to comprise the following standing committees of the Assembly:

on Agencies, Boards and Commissions

on Finance

on Legislation

on Public Accounts

on Rules, Procedures and Privileges

and any other standing and special committees directed by the Assembly.

86 At the commencement of the First Session of each Legislature the Assembly shall appoint a Management and Services Board in accordance with section 35(1) of the Legislative Assembly and Executive Council Act.

87(1) A committee established pursuant to rule 86 shall consist of not more than seven Members.



(2) Each standing committee shall also have three alternates, each of whom may be called upon by the chair to take the place of an absent committee Member. When participating in committee business, the alternate shall be entitled to vote on any matter.

88(1) At any time, the Assembly may appoint a special committee for any purpose or to consider any matter referred to it by the Assembly.

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(2) A special committee established pursuant to rule 88(1) shall consist of not more than five Members unless otherwise ordered by the Assembly.

89 The Clerk shall distribute to every Member a list of the Members comprising the committees and the Management and Services Board.

90(1) The Member first named in the motion establishing the membership of any committee shall call the first meeting of the committee.

(2) At the first meeting, the committee shall appoint a chair and deputy chair, or co-chairs, who shall act during the life of the committee.

(3) The quorum of a committee shall be specified in the committee's terms of reference.

(4) Notices of all committee meetings shall be posted in the Legislative Assembly office and circulated to all Members.

91(1) A Member of a standing or special committee who is absent from committee meetings without cause may be removed from the membership of the committee by a motion adopted by the Assembly.

(2) In the case of a vacancy in the membership of a standing or special committee, the Striking Committee provided for by rule 85 shall propose a successor to the Assembly.

92(1) A Member who is not a Member of a committee may attend committee meetings and may address the committee after its Members have spoken, according to any limits imposed by the chair.

(2) Only Members of a committee shall vote on any question to be decided by the committee.

93(1) Every report of a standing or special committee shall be in writing, signed by the chair and shall be presented by the chair or a committee Member under

the appropriate item in the daily routine of the Assembly.

(2) The Member presenting the report shall move that the report be received by the Assembly.

(3) A report from a standing or special committee may be

(a) adopted by the Assembly;

(b) referred to committee of the whole; or

(c) referred back to the committee which presented it.

(4) A report from a standing or special committee shall not be taken into consideration in committee of the whole until two sitting days have passed from the presentation of the report.

(5) Within 120 days of the presentation of a report under rule 93(1) and (2), the Executive Council shall, upon the request of the committee, table a comprehensive response.

94(1) Standing and special committees have the power to call for persons and documents and to examine witnesses.

(2) All standing and special committees shall set their terms of reference which must be approved by the Assembly.

(3) Standing and special committees may meet during the session, when the Assembly is not in session, between sessions or during a prorogation of a session.

Committee Documents

95(1) All documents which come into the possession of a committee or which come into existence in the course of the conduct of committee business belong to that committee before it reports to the Assembly and belong to the Assembly after the committee reports to the Assembly, subject to any direction of the Speaker acting on an order of the Assembly.

(2) Notwithstanding rule 95(1), where a committee does not report to the Assembly before dissolution of the Legislature, all committee documents belong to the Assembly upon its dissolution subject to:

(a) any direction of the committee as to their disposal;

(b) any direction by order of the Assembly as to their disposal; or

(c) in the absence of any other direction, the direction of the Speaker.

#### Witnesses

96(1) No witness shall be summoned to attend before a committee of the Assembly unless a committee Member has filed a certificate with the chair stating that the evidence to be obtained from the witness is in the Member's opinion material and important.

(2) The Clerk, with the approval of the Speaker, may authorize payment to witnesses summoned by a committee of a reasonable daily amount during their travel and attendance plus a reasonable amount for travelling expenses.

(3) The claim of a witness for payment shall state the number of days during which the witness was in attendance before the committee, the duration of necessary travel and the amount of travel expenses. The chair and the clerk of the committee shall certify the claim and statement before payment.

97(1) Notwithstanding rule 72(3), no witness shall appear before committee of the whole unless with the

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committee's unanimous consent, or through the adoption of a motion of approval by the Assembly.

(2) No witness shall appear before committee of the whole when an expenditure of Legislative Assembly funds is required unless a motion of approval has been adopted by the Assembly.

(3) Each question directed to a witness and each reply shall be made through the chair. The chair shall rule out of order any question which:

(a) is of a nature that would tend to intimidate or embarrass the witness; or

(b) constitutes a personal allegation against the witness.

(4) No motions shall be proposed in committee of the whole in the presence of witnesses except when bills or the operations and maintenance or capital estimates are being considered.

98 Witnesses may be involved to appear before any standing or special committee at the discretion of the chair.

#### Officers Of The Assembly

99(1) The officers of the Assembly are:

(a) the Clerk;

(b) the Clerk Assistant;

(c) the Clerk of Committees;

(d) the Law Clerk; and

(e) the Sergeant-at-Arms.

(2) The Clerk of the Assembly is responsible for the safekeeping of all Assembly documents, and has direction and control over all officers, Clerks, and other employees subject to the orders of the Speaker or the Assembly.

(3) On each sitting day before the meeting of the Assembly, the Clerk shall distribute the order paper for the day to each Member and to the Speaker.

(4) The Clerk shall employ such staff as are necessary to conduct the business of the Assembly with the approval of the Speaker.

(5) The Clerk shall set the hours of attendance of the officers and staff of the Assembly.

(6) The Clerk shall ensure that copies of Hansard are distributed only as directed by the Assembly and that Hansard is printed clearly in final form and distributed within five days of the day of the record.

(7) The Clerk shall assign a Committee Clerk to each standing and special committee of the Assembly.

100 (1) In the absence of the Clerk, the Clerk Assistant shall perform the duties of the Clerk.

101 The Law Clerk shall:

(a) advise the Assembly in regard to legislation placed before it;

(b) ensure that all amendments made to bills in committee are incorporated before third reading;

(c) ensure that all amendments made to bills in a standing or special committee are incorporated before consideration in committee of the whole;

(d) review within 15 days from the close of each session, all legislation enacted prior to its distribution; and

(e) advise the chair of any committee, upon request, whether any provision in private bills are in variance with general acts.

102 (1) The Sergeant-at-Arms is responsible for the safekeeping of the mace, the security of the precincts of the Assembly and for supervision of the pages.

(2) The Sergeant-at-Arms shall preserve order in the Chamber and in the galleries subject to the orders of the Speaker.

Hansard

103 (1) A printed transcript of the deliberations and proceedings of the Assembly and the committee of the whole known as the "Hansard," shall be compiled, edited, printed and distributed under the authority of the Speaker.

(2) The unedited transcript shall be produced daily and one copy distributed to each Member.

(3) Every Member has until 10:00 am of the sitting day following receipt of the transcript to correct it as to grammar, obvious errors in transcription and other mistakes in form in accordance with rule 103(4). Corrections may not affect the substance of the transcript.

(4) The Clerk shall provide for the editing of the transcript in accordance with the following:

(a) revisions shall be limited to correcting grammar, spelling and punctuation, ensuring that the correct parliamentary forms are observed, and minimizing repetition and redundancies;

(b) revisions shall not include material alterations or amendments which would in any way tend to change the sense of what has been spoken;

(c) the transcript shall remain an accurate and, as far as possible, an exact report of what was said;

(d) a Member has no right to alter the report of any

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speech or remarks attributed to him or her in any way, and the Speaker shall determine whether or not a Member's suggested correction shall be admitted;

(e) unless a Member can demonstrate to the satisfaction of the Speaker that he or she has been misreported, a Member may not change the sense of anything that he or she has been recorded as having said. A Member is not permitted to make any insertion as an afterthought nor to strike out a passage which he or she regrets having spoken.

Conclusion

**MR. ZOE:**

Thank you, Mr. Speaker. In conclusion the Standing Committee on Rules, Procedures and Privileges would like to point out to all Members that this rule book contains the rules of the Legislative Assembly that we have chosen to adopt as a means to guide Members in the proceedings of the House and its committees, revised by the standing committee with the intention of developing rules that would better serve all Members. The standing committee found our review process to be of assistance to committee Members in improving our understanding of our rules. The committee also benefitted from the advice of the dean of the House, who is a Member of the committee, and from the suggestions of all Members of the Assembly. We appreciate this input. In addition, the Clerk, the clerk of committees and our researcher were of assistance in providing information and interpretation of the rules.

The Standing Committee on Rules, Procedures and Privileges encourages the continued input of all Members on the rules of the Legislative Assembly.

Motion To Accept Committee Report 19-12(3) And Move Into 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 Iqaluit, that the report of the Standing Committee on Rules, Procedures and Privileges on the revision of the rules be received by the Assembly and moved into committee of the whole, for consideration. Thank you.

**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.

---Carried

Committee Report 19-12(3) will be put into committee of the whole. Item 10, reports of standing and special committees. Item 11, reports of committees on the review of bills. Item 12, tabling of documents. Mr. Todd.

#### ITEM 12: TABLING OF DOCUMENTS

##### **HON. JOHN TODD:**

Thank you, Mr. Speaker. I wish to table Tabled Document 130-12(3), Public Utilities Board of the Northwest Territories 1992 Annual Report.

##### **MR. SPEAKER:**

Item 12, tabling of documents. Mr. Kakfwi.

##### **HON. STEPHEN KAKFWI:**

Mr. Speaker, I would like to table Tabled Document 131-12(3), Proposed Bill, An Act to Amend the Maintenance Act and Tabled Document 132-12(3), Proposed Bill, An Act to Amend the Domestic Relations Act. Thank you, Mr. Speaker.

##### **MR. SPEAKER:**

Item 12, tabling of documents. Mr. Pollard.

##### **HON. JOHN POLLARD:**

Mr. Speaker, I have two documents to table. The first one is Tabled Document 133-12(3), Evaluation of the Financial Operations of the Expo '92 Revolving Fund. The second is Tabled Document 134-12(3), Aurorales Expo '92 Revolving Fund Account Balance Sheet, March 19, 1993. Thank you, Mr. Speaker.

##### **MR. SPEAKER:**

Item 12, tabling of documents. Mr. Lewis.

##### **MR. LEWIS:**

Thank you, Mr. Speaker. This is Tabled Document 135-12(3), a letter from Mr. Jim Evoy, Box 1297, Yellowknife, his phone number is 873-3695. "I ask you to stop the payroll tax. I instruct you, as my Member of the Legislative Assembly, to act on this request immediately."

##### **MR. SPEAKER:**

Item 12, tabling of documents. We have passed petitions, Mr. Antoine. Item 13, notices of motion. Mr. Kakfwi.

#### ITEM 13: NOTICES OF MOTION

Motion 31-12(3): Proposed Amendments To Maintenance Act and Domestic Relations Act Referred To The Standing Committee On Legislation

##### **HON. STEPHEN KAKFWI:**

Mr. Speaker, I give notice that on Friday, April 2, 1993, I shall move the following motion.

I move, seconded by the Honourable Member for Nunakput, that Tabled Document 131-12(3), Proposed Bill, An Act to Amend the Maintenance Act and Tabled Document 132-12(3), Proposed Bill, An Act to Amend the Domestic Relations Act, be referred to the Standing Committee on Legislation for review. Mahsi.

##### **MR. SPEAKER:**

Item 13, notices of motion. Item 14, notices of motions for first reading of bills. Item 15, motions. Bill 28-12(3), Development of an Ongoing Program for AIDS Prevention. Mr. Lewis.

#### ITEM 15: MOTIONS

Motion 28-12(3): Development Of An Ongoing Program For AIDS Prevention

##### **MR. LEWIS:**

Thank you, Mr. Speaker.

WHEREAS an AIDS prevention project was undertaken by the Department of Health between 1987 and 1991; and,

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WHEREAS a review of the project has been completed; and,

WHEREAS there is a need to develop an ongoing program to combat AIDS outlining immediate and long-term objectives;

THEREFORE I MOVE, seconded by the Honourable Member for Thebacha that the Department of Health

develop policies as outlined in recommendation three to six of the independent review;

**MR. SPEAKER:**

The motion is in order. To the motion. Mr. Lewis.

**MR. LEWIS:**

Mr. Speaker, I do not believe we need to debate this motion at length because...

**MR. SPEAKER:**

Please stand up, Mr. Lewis.

---Laughter

**MR. LEWIS:**

It is the end of the month, Mr. Speaker. Mr. Speaker, I do not believe that we need to develop in great detail a debate on this subject because we have spent some time at it and I think Members are fully aware of the nature of the problem that faces us. It is outlined in great detail in Tabled Document 91-12(3). The intention of the motion, Mr. Speaker, is to simply confirm that several of the recommendations made in this report need to be acted on with some kind of dispatch. One of the ways of doing that would be to ask them to develop policies as outlined in recommendations three to six, but more importantly, to involve a broad cross-section of people who are front line workers in dealing with this problem, to meet and to help the department to develop this immediate strategy and also the long-term strategy. Thank you.

**MR. SPEAKER:**

The motion is in order. Secunder to the motion.

**SOME HON. MEMBERS:**

Question.

**MR. SPEAKER:**

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

---Carried

Item 16, first reading of bills. Mr. Pollard.

ITEM 16: FIRST READING OF BILLS

Bill 25: Supplementary Appropriation Act, No. 1, 1993-94

**HON. JOHN POLLARD:**

Thank you, Mr. Speaker. Mr. Speaker, I move, seconded by the Honourable Member for Nunakput, that Bill 25, Supplementary Appropriation Act, No. 1, 1993-94 be read for the first time. Thank you, Mr. Speaker.

**MR. SPEAKER:**

The motion is in order. All those in favour? All those opposed? Motion is carried.

---Carried

Bill 25 has had first reading. Item 16, first reading of bills. Mr. Pollard.

Bill 27: Payroll Tax Act, 1993

**HON. JOHN POLLARD:**

Thank you, Mr. Speaker. I move seconded by the Honourable Member for Baffin Central that Bill 27, Payroll Tax Act, 1993, be read for the first time. Thank you, Mr. Speaker.

**MR. SPEAKER:**

Your motion is in order, Mr. Pollard. To the motion.

**AN HON. MEMBER:**

Question.

**MR. SPEAKER:**

All those in favour? All those opposed? Motion is carried.

---Carried

Bill 27 has had first reading. Item 16, first reading of bills. Mr. Pollard.

Bill 26: An Act To Amend The Income Tax Act, No. 2

**HON. JOHN POLLARD:**

Thank you, Mr. Speaker. I move, seconded by the Honourable Member for Nunakput, that Bill 26, An Act to Amend the Income Tax Act, No. 2 be read for the first time. Thank you, Mr. Speaker.

**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.

---Carried

Bill 26 has had first reading. Item 17, second reading of bills. Mr. Pollard.

ITEM 17: SECOND READING OF BILLS

**HON. JOHN POLLARD:**

Thank you, Mr. Speaker. Mr. Speaker, I move, seconded by the Honourable Member for Nunakput that...

**MR. SPEAKER:**

Mr. Pollard, you must seek consent for second reading. It is Bill 25, you can proceed then without the consent, Mr. Pollard. Go ahead.

Bill 25: Supplementary Appropriation Act, No. 1, 1993-94

**HON. JOHN POLLARD:**

Thank you, Mr. Speaker. Mr. Speaker, I move, seconded by the Honourable Member for Nunakput, that Bill 25, Supplementary Appropriation Act, No. 1, 1993-94 be read for the second time.

Mr. Speaker, this bill would make supplementary appropriations for the Government of the Northwest Territories

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for the fiscal year ending March 31, 1994. Thank you, Mr. Speaker.

**MR. SPEAKER:**

The motion is in order, Mr. Pollard. To the principle of the bill.

**AN HON. MEMBER:**

Question.

**MR. SPEAKER:**

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

---Carried

Bill 25 has had second reading and accordingly is referred to committee of the whole. 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 19-12(3), 1992 Master Plan for Corrections Service Division; Bill 5, An Act to Amend the Social Assistance Act; Bill 18, An Act to Amend the Public Printing Act; Bill 19, An Act to Amend the Student Financial Assistance Act; Bill 21, an Act to Amend the Reciprocal Enforcement of Judgments Act; Bill 22, An Act to Amend the Mining Safety Act; Committee Report 10-12(3), Report on Tabled Document 21-12(3): Payroll Tax Act; Committee Report 15-12(3), TD 33-12(2): Government Accountability: A Legislative Action Paper on Access to Government; Committee Report 17-12(3), Report on Television Guidelines, with Mr. Pudluk in the chair. The committee will stay in session until it reports itself out. Bill 25, is also in committee of the whole.

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

**CHAIRMAN (Mr. Pudluk):**

This committee will come to order. We are dealing with the Standing Committee on Rules, Procedures and Privileges report on television guidelines. Mr. Zoe.

Committee Report 17-12(3): Report On Television Guidelines

**MR. ZOE:**

Thank you, Mr. Chairman. The full text of the report of the Standing Committee on Rules, Procedures and Privileges on Television Guidelines has already been read into the record of this House. Therefore, I propose to keep my comments leading to the recommendations in the report very brief.

Mr. Chairman, the standing committee has recommended that the television guidelines developed by the committee be adopted by the House

for use when the proceedings of the Legislative Assembly are televised after our move to the new building. These guidelines were developed in an attempt to allow the proceedings of the Assembly to be accurately reflected. They would require the television cameras to focus primarily on the Member who has the floor, but would allow some flexibility for orientation shots of the chamber. Members of the committee felt that it was important for viewers to have a perspective of the entire chamber as do those who are able to attend the proceedings in Yellowknife.

The guidelines would also allow the Speaker to establish a schedule so that viewers may have a broad perspective of the daily proceedings. As well, Members of the Legislative Assembly, the public and the press would be allowed access to the record of proceedings. Underlining the guidelines are the principles that the record of the proceedings of the Legislative Assembly should be accurate and factual without dramatization and the decorum of the chamber should be reflected.

Mr. Chairman, I want to introduce the recommendation in motion form. Before I proceed with my motion, Mr. Chairman, and because my motion is quite lengthy, I wonder if the committee would allow me to request that the 19 television guidelines, which form part of my motion, be deemed read.

**CHAIRMAN (Mr. Pudluk):**

Is this committee agreed?

**SOME HON. MEMBERS:**

Agreed.

---Agreed

**CHAIRMAN (Mr. Pudluk):**

Thank you. Please proceed, Mr. Zoe.

Committee Motion 154-12(3): To Adopt Television Guidelines From Committee Report 17-12(3)

**MR. ZOE:**

Thank you, Mr. Chairman. I move that this committee recommends that the following television guidelines be adopted as the television guidelines for the Legislative Assembly.

Television Guidelines

1. The philosophy of television coverage of the proceedings of the Legislative Assembly should be an accurate, factual and coherent record of the legislative proceedings which will allow the viewing public to clearly understand how the legislative process works without dramatizing the proceedings.

2. The coverage of the proceedings of the Legislative Assembly shall be recorded in the official languages of the Northwest Territories as identified in the Official Languages Act.

3. All proceedings in the Legislative Chamber, beginning with the Speaker's procession and prayers until the daily adjournment of the Assembly, shall be recorded, with the exception of recesses. Proceedings in committee of the whole shall also be recorded.

4. The Member who is on his or her feet and has been recognized by the Speaker shall be shown on camera and shall be identified periodically by his or her full name and constituency, or for a Minister, his or her full name and portfolio titles. When a Minister makes a Member's statement he or she shall be identified by name and constituency.

5. Information as to the status of the House and current business shall be displayed on the television screen periodically during proceedings.

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6. The shot of the Member shall be of his or her head and shoulders, or a medium close up shot showing some of the Members who are seated on either side of the speaking Member. In addition, an occasional establishing shot may be taken to help orient viewers to the chamber. On special occasions, such as the opening address and the budget address, cutaway shots of individuals or groups of Members or guests to the House may be shown.

7. When the Speaker is speaking or is on his or her feet, the camera facing the Speaker that best reflects the activities of the House shall be used at the discretion of the television director.

8. When in committee of the whole, or in a standing or special committee, a variation of wide, medium and close shots may be used to best reflect the activities of the committee. Ministers may be shown consulting with their officials. Officials or witnesses may be shown on camera as introduced by Ministers or the chair of the committee, or when

answering questions at the director of the chair of committee of the whole.

9. Head and shoulder close-up shots of the Speaker or the chair in committee may be taken when he or she is giving a ruling.

10. Applause shots and orientation cutaway shots may be taken provided that care is taken to ensure that the shots are in good taste and reflect the decorum of the chamber.

11. Split screen shots will not be permitted.

12. Medium close-up shots may be taken of distinguished visitors sitting in the gallery. These guests must be seated in a predesignated location and the Speaker or the chair of committee of the whole will instruct the television director when such introductions will be made.

13. Pursuant to the provisions of the Copyright Act (Canada), the Legislative Assembly of the Northwest Territories has copyright in the audio/video record of the proceedings of the Legislative.

14. Access to and use of the audio/video record of the proceedings of the Legislative Assembly may be made available to media organizations upon permission being obtained from the Speaker's office.

15. Members of the Legislative Assembly or members of the public may obtain an audio/video copy of the record of the proceedings from the Clerk of the Legislative Assembly. This service will be provided free of charge but it is the responsibility of the requester to provide the audio/video tape.

16. After the prorogation of each session of the Legislature, the Clerk of the Legislative Assembly shall ensure that the master audio/video records of the proceedings made during that session are deposited in the Northwest Territories archives, following which access to this record shall be had in accordance with procedures established by the territorial archivist.

17. The following conditions apply to the use of the record of proceedings of the Legislative Assembly by any person or organization:

1) the person or organization shall have a bona fide public interest in the use of that record;

2) the person or organization shall not use that record with purposeful distortion; and

3) the person or organization shall not use that record as part of any paid advertisement.

Any breach of these conditions or of the Copyright Act (Canada) is an offence and may be prosecuted accordingly, or may be otherwise enforced by the Speaker and the Assembly.

18. These guidelines shall be enforced by the Speaker. Specific complaints by Members regarding the televising of the proceedings of the Legislative Assembly should be raised with the Speaker in the Speaker's office.

19. The Speaker will establish a broadcasting schedule that will afford the viewing public an opportunity to observe a board perspective of the daily proceedings of the Legislative Assembly.

Further, that these guidelines be reviewed by the Legislative Assembly after one year of operation to assess their effectiveness.

**CHAIRMAN (Mr. Pudluk):**

Thank you. 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

Mr. Zoe.

**MR. ZOE:**

Thank you, Mr. Chairman. That concludes the report of the Standing Committee on Rules, Procedures and Privileges on the television guidelines. Thank you.

**CHAIRMAN (Mr. Pudluk):**

Thank you. Is this committee agreed that this report on the television guidelines is concluded?

**SOME HON. MEMBERS:**

Agreed.

---Agreed



Bill 5: An Act To Amend The Social Assistance Act

**CHAIRMAN (Mr. Pudluk):**

Thank you. We will now deal with Bill 5, An Act to Amend the Social Assistance Act. Does the Minister wish to invite her officials in at this time? Ms. Mike.

**HON. REBECCA MIKE:**

Thank you, Mr. Chairman. Yes.

**CHAIRMAN (Mr. Pudluk):**

Mr. Koe.

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**MR. KOE:**

Do we have a clean copy of Bill 5, An Act to Amend the Social Assistance Act?

**CHAIRMAN (Mr. Pudluk):**

Law Clerk.

**LAW CLERK (Ms. MacPherson):**

Thank you, Mr. Chairman. For the assistance of Members, when we last dealt with Bill 5 we amended clause 2 and defeated those portions of clause 2 that are in subsections 3 to 7. If Members wish, they can strike out those clauses in their bill. Subsection 6(2) remains. Those were the only changes which were made during our last consideration of this bill, Mr. Chairman.

**CHAIRMAN (Mr. Pudluk):**

Thank you, Law Clerk. Clause 3, agreed?

**SOME HON. MEMBERS:**

Agreed.

---Agreed

**CHAIRMAN (Mr. Pudluk):**

Thank you. Clause 4, agreed?

**SOME HON. MEMBERS:**

Agreed.

---Agreed

**CHAIRMAN (Mr. Pudluk):**

Thank you. Clause 5, agreed?

**SOME HON. MEMBERS:**

Agreed.

---Agreed

**CHAIRMAN (Mr. Pudluk):**

Thank you. Clause 6, agreed?

**SOME HON. MEMBERS:**

Agreed.

---Agreed

**CHAIRMAN (Mr. Pudluk):**

Thank you. The bill as a whole, as amended. Agreed?

**SOME HON. MEMBERS:**

Agreed.

---Agreed

**CHAIRMAN (Mr. Pudluk):**

Does this committee agree that Bill 5, An Act to Amend the Social Assistance Act is ready for third reading, as amended. Agreed?

**SOME HON. MEMBERS:**

Agreed.

---Agreed

**CHAIRMAN (Mr. Pudluk):**

Thank you. I would like to thank the Minister and witnesses. Point of order, Member for Thebacha.

**MRS. MARIE-JEWELL:**

Mr. Chairman, I was out of the room when you addressed Bill 5, An Act to Amend the Social Assistance Act. I made a motion to split a clause in that particular bill. Is that motion still in effect? The other clauses were in addition to the splitting of that particular clause. Is that correct?

**CHAIRMAN (Mr. Pudluk):**

I have to ask the Law Clerk to explain it.

**LAW CLERK (Ms. MacPherson):**

Thank you, Mr. Chairman. During our last consideration of Bill 5, we had already dealt with Ms. Marie-Jewell's motion and subsequent vote on the motion and on the clause itself, which was affected by the motion. So that matter had been dealt with during our last consideration of this bill. As Members may recall, Mr. Nerysoo then raised a point of order with respect to the effect of the motion and the subsequent vote, and the point of order was addressed yesterday. Thank you, Mr. Chairman.

**CHAIRMAN (Mr. Pudluk):**

Thank you. We will move on to Bill 18.

**SOME HON. MEMBERS:**

Agreed.

---Agreed

Bill 18: An Act To Amend The Public Printing Act

**CHAIRMAN (Mr. Pudluk):**

Bill 18, is an Act to Amend the Public Printing Act. Mr. Kakfwi.

Introductory Remarks

**HON. STEPHEN KAKFWI:**

Mr. Chairman, the purpose of the amendment to the Public Printing Act is to provide regulation-making power, that it broaden not to permit regulations to be made similar to those that have been made, largely, without proper authority. These amendments would allow the Minister of Justice to appoint an editor and deputy editor of the Gazette to add regulation making powers to the act to allow the Commissioner on recommendation of the Minister of Justice to make regulations relating to the publication of the Gazette, the contents of each part of the Gazette, the frequency of the publication of the Gazette and to allow for the territorial printer to charge for publication.

**CHAIRMAN (Mr. Pudluk):**

Thank you. I wonder if the Standing Committee on Legislation would like to make opening remarks? Mr. Koe.

Comments By Standing Committee On Legislation

**MR. KOE:**

The chairman seems absent, Mr. Chairman. There are some notes. The Standing Committee on Legislation reviewed Bill 18, an Act to Amend the Public Printing Act, at its public meeting in Yellowknife on March 18, 1993. The committee would like to thank the Minister of Justice, the Honourable Stephen Kakfwi, and his officials from the Department of Justice for presenting this bill and responding to committee Members' questions and concerns.

The Public Printing Act establishes the Northwest Territories' Gazette, which publishes regulations, proclamations and any notices required to be published in the Gazette by law or by the Commissioner. The Public Printing Act also sets out the office and duties of the territorial printer. The territorial printer is a public servant appointed by the Commissioner to carry out printing and publishing functions for the Government of the Northwest Territories.

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This bill would amend the Public Printing Act to clarify the regulation making powers under the act. Currently, the act provides that the Commissioner has the authority to make regulations governing the form of the Gazette. This bill would add specific powers for the Commissioner to make regulations on the recommendation of the Minister of Justice prescribing the content and frequency of publication of the Gazette and prescribing any matter that may be prescribed under the act.

This bill would also specify that the Minister of Justice may appoint an editor and deputy editor of the Gazette and would authorize regulations to be made setting out the powers and duties of these officers.

This bill would also allow the Commissioner to set regulations on the recommendation of the Minister of Government Services and Public Works prescribing a tariff of fees to be charged by the territorial printer for its publications. Currently, fees are charged by the territorial printer for all publications. Specific authority for the charging of fees for the Gazette, acts and regulations are provided in another statute, the Statutory Instruments Act.

The committee questioned the Minister as to the authority under which the territorial printer currently charges fees for publications other than the Gazette, acts and regulations. Committee Members were

advised that these fees are presently charged without express regulatory authority. However, Members were assured that the ability of the territorial printer to charge fees for these publications would not be compromised should this bill be passed before new regulations for fees for these publications are prepared.

On March 18, 1993, a motion was carried by the Standing Committee on Legislation to report Bill 18 to the Assembly as ready for committee of the whole. This concludes my remarks on Bill 18, Mr. Chairman, and I invite other committee Members to make additional comments on this bill. Qujannamiik.

**CHAIRMAN (Mr. Pudluk):**

Thank you. Before I call general comments, Mr. Minister, do you want to invite in your officials? General comments. Does the committee agree to go clause by clause?

**SOME HON. MEMBERS:**

Agreed.

---Agreed

Clause By Clause

**CHAIRMAN (Mr. Pudluk):**

Clause 1.

**SOME HON. MEMBERS:**

Agreed.

---Agreed

**CHAIRMAN (Mr. Pudluk):**

Thank you. Clause 2.

**SOME HON. MEMBERS:**

Agreed.

---Agreed

**CHAIRMAN (Mr. Pudluk):**

Clause 3.

**SOME HON. MEMBERS:**

Agreed.

---Agreed

**CHAIRMAN (Mr. Pudluk):**

Thank you. Bill as a whole?

**SOME HON. MEMBERS:**

Agreed.

---Agreed

**CHAIRMAN (Mr. Pudluk):**

Does the committee agree that Bill 18 is ready for third reading?

**SOME HON. MEMBERS:**

Agreed.

---Agreed

**CHAIRMAN (Mr. Pudluk):**

Thank you. I would like to thank the Minister. We will go on to Bill 19. Bill 19 is an Act to Amend the Student Financial Assistance Act. Mr. Nerysoo.

Bill 19: An Act To Amend The Student Financial Assistance Act

Introductory Remarks

**HON. RICHARD NERYSOO:**

Thank you, Mr. Chairman. The purpose of this amendment is to eliminate the student financial assistance board, in response to Motion 84-4 of the Standing Committee on Agencies, Boards and Commissions. During the last session of the Legislative Assembly, the committee reviewed the purpose, operation and costs of the board and recommended that it be discontinued.

The board was first established in 1982, and restructured in 1990 to provide broad advice to the Minister on student financial assistance. The board directed the development of a policy and administration manual, which was completed, and continues to guide the procedures for the administration of the program. The board has not met for approximately two years, largely because guidelines for administration are now in place and broad advice on program and procedures is now being provided directly through the Minister and the Assembly.

Students individually and through student associations had the opportunity to provide advice and make recommendations. At this time, I would like to express my appreciation for the work done by the student financial assistance board in the past and assure the Assembly that there will continue to be an opportunity for the Assembly and the public to advise me on this program.

**CHAIRMAN (Mr. Pudluk):**

Thank you. Standing Committee on Legislation, Mr. Koe.

Comments By Standing Committee On Legislation

**MR. KOE:**

I am the committee by default. Thank you, Mr. Chairman. The Standing Committee on Legislation reviewed Bill 19, An Act to Amend the Student Financial Assistance Act, at its public meeting in Yellowknife on March 18, 1993. The committee would like to thank the Minister of Education, the Honourable Richard Nerysoo, for presenting this bill and responding to committee Members' questions.

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Bill 19 would amend the Student Financial Assistance Act to dissolve the student financial assistance board and to delete all references to the board within the act. Currently, the student financial assistance board is appointed by the Minister to make recommendations to the Minister on matters relating to student financial assistance that are referred to the board by the Minister, and on any other matters related to student financial assistance that the board considers appropriate.

Members of the Standing Committee on Legislation had the benefit of a thorough review of another standing committee on the removal of the board. The Department of Education requested in January, 1992, that the Standing Committee on Agencies, Boards and Commissions review the proposal to eliminate this board. The standing committee reported to the House on its review in Committee Report 7-12(3), presented to the House on December 8, 1992.

The Standing Committee on Agencies, Boards and Commissions noted that the student financial assistance board had provided very limited advice to the Minister since the current board was established in 1989. No specific recommendations had been forwarded to the Minister and the Minister made no

formal request for board comments. As well, other channels of communication existed to offer more effective input on student needs or policy deficiencies. In its report, the standing committee recommended that the Minister proceed with the elimination of the student financial assistance board.

Members of the Standing Committee on Legislation questioned the Minister on the effectiveness of the other channels with respect to input on policy or student concerns. In general, Members were supportive of this bill and on March 18, 1993, carried a motion to report Bill 19 to the Assembly as ready for committee of the whole. This concludes my remarks on Bill 19, Mr. Chairman. I invite other committee Members to make additional comments on this bill. Qujannamiik.

**CHAIRMAN (Mr. Pudluk):**

Thank you. Before I call general comments, I wonder if the Minister would like to invite his officials?

**SOME HON. MEMBERS:**

Clause by clause.

Clause By Clause

**CHAIRMAN (Mr. Pudluk):**

Clause by clause. Thank you. Clause 1.

**SOME HON. MEMBERS:**

Agreed.

---Agreed

**CHAIRMAN (Mr. Pudluk):**

Thank you. Clause 2.

**SOME HON. MEMBERS:**

Agreed.

---Agreed

**CHAIRMAN (Mr. Pudluk):**

Thank you. Clause 3.

**SOME HON. MEMBERS:**

Agreed.

---Agreed

**CHAIRMAN (Mr. Pudluk):**

Thank you. Clause 4.

**SOME HON. MEMBERS:**

Agreed.

---Agreed

**CHAIRMAN (Mr. Pudluk):**

Thank you. Bill as a whole.

**SOME HON. MEMBERS:**

Agreed.

---Agreed

**CHAIRMAN (Mr. Pudluk):**

Does this committee agree that Bill 19 is ready for third reading?

**SOME HON. MEMBERS:**

Agreed.

---Agreed

**CHAIRMAN (Mr. Pudluk):**

Thank you. Does the committee agree we move on to Bill 21?

**SOME HON. MEMBERS:**

Agreed.

---Agreed

Bill 21: An Act To Amend The Reciprocal Enforcement Of Judgments Act

**CHAIRMAN (Mr. Pudluk):**

Mr. Kakfwi, would you like to make opening remarks?

Introductory Remarks

**HON. STEPHEN KAKFWI:**

Thank you, Mr. Chairman. Mr. Chairman, the purpose of this amendment is to repeal section 7 of the Reciprocal Enforcement of Judgments Act which

allows the Commissioner to make rules respecting the practice and procedure of the Supreme Court in proceedings under that act, and states that until the Commissioner does so the rules made under Alberta's Reciprocal Enforcement of Judgments Act for its courts must be followed. The Commissioner has not made rules under this section.

The Supreme Court currently relies on rules made by it in 1979, which were made under the authority of the Judicature Act and which are in substance the same as the rules made under Alberta's Reciprocal Enforcement of Judgments Act. Therefore, section 7 of the act is not required so we are seeking to repeal that section.

**CHAIRMAN (Mr. Pudluk):**

Thank you. Standing Committee on Legislation, Mr. Koe.

Comments By Standing Committee On Legislation

**MR. KOE:**

Mahsi, Mr. Chairman. The Standing Committee on Legislation reviewed Bill 21, An Act to Amend the Reciprocal Enforcement of Judgments Act, at its public meeting on March 18, 1993. The committee appreciates the attendance of the Minister of Justice, the Honourable Stephen Kakfwi, and his officials for their responses to the questions of the committee.

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The Reciprocal Enforcement of Judgments Act allows judgment of courts in civil matters in other Canadian jurisdictions to be registered in the Supreme Court of the Northwest Territories and enforce within the Northwest Territories. Currently, the act provides that the Commissioner may make rules for practice and procedure under the act. Until these rules are made, the act requires that the rules under Alberta's Reciprocal Enforcement of Judgments Act be followed. The Commissioner has not made rules under this section. Anyone wishing to register a judgment from another jurisdiction in the Northwest Territories uses the rules established by the Supreme Court under its authority under the Judicature Act. These rules are similar to those used in Alberta.

This bill would amend the Reciprocal Enforcement of Judgments Act to remove the authority for the Commissioner to make rules for practice and procedure under the act, and to remove the requirement that the rules under Alberta legislation be

followed. The current practice of using the rules established by the Northwest Territories Supreme Court would continue and the Supreme Court could amend the rules as appropriate.

The committee had no difficulty with the proposed amendments and carried a motion on March 18, 1993, to report Bill 21 to the Assembly as ready for the committee of the whole. Mahsi cho, Mr. Chairman.

**CHAIRMAN (Mr. Pudluk):**

Thank you. Before I call general comments, I wonder if the Minister would like to invite in officials? General comments.

**SOME HON. MEMBERS:**

Clause by clause.

Clause By Clause

**CHAIRMAN (Mr. Pudluk):**

Clause by clause. Thank you. Clause 1.

**SOME HON. MEMBERS:**

Agreed.

---Agreed

**CHAIRMAN (Mr. Pudluk):**

Thank you. Bill as a whole.

**SOME HON. MEMBERS:**

Agreed.

---Agreed

**CHAIRMAN (Mr. Pudluk):**

Does this committee agree that Bill 21 is ready for third reading?

**SOME HON. MEMBERS:**

Agreed.

---Agreed

**CHAIRMAN (Mr. Pudluk):**

Member for Thebacha.

**MRS. MARIE-JEWELL:**

Mr. Chairman, basically they are just taking out section 7 with nothing else in its place. Is that correct?

**CHAIRMAN (Mr. Pudluk):**

Mr. Minister.

**HON. STEPHEN KAKFWI:**

Mr. Chairman, there is no requirement for section 7 any more because everything which was set out to be achieved by section 7 has been achieved under the Judicature Act by the Supreme Court. Section 7 has set out the rules for rule-making power. There is only one place which allows for this rule-making power. We are advising that we should take that section out of the Reciprocal Enforcement of Judgements Act since it is provided for and has been since 1979 under the Judicature Act.

**CHAIRMAN (Mr. Pudluk):**

Is this committee agreed that Bill 21, an Act to Amend the Reciprocal Enforcement of Judgments Act is ready for third reading. Agreed?

**SOME HON. MEMBERS:**

Agreed.

---Agreed

**CHAIRMAN (Mr. Pudluk):**

Thank you. We will deal with Bill 22, An Act to Amend the Mining Safety Act. Mr. Todd.

Bill 22: An Act To Amend The Mining Safety Act

Introductory Remarks

**HON. JOHN TODD:**

Thank you, Mr. Chairman. I am pleased to introduce Bill 22, An Act to Amend the Mining Safety Act. This amendment to the Mining Safety Act will enable the Commissioner of the Northwest Territories to set fees for certificates or permits issued and for an examination administered or any service provided under the Mining Safety Act. The intention of this amendment is to enable the Government of the Northwest Territories to extend its cost recovery program to the examinations and permits its issues under the Mining Safety Act. Implementation of the

amendment will require the preparation of regulations which will stipulate the services from which fees will be charged. The regulation has been drafted to set fees for the following services: examination for shift bosses and blasters; certificates for shift bosses and blasters; and permits for the operation of diesel equipment underground. Thank you, Mr. Chairman.

**CHAIRMAN (Mr. Pudluk):**

Thank you. Mr. Koe.

Comments By Standing Committee On Legislation

**MR. KOE:**

Mahsi, Mr. Chairman. The Standing Committee on Legislation reviewed Bill 22, An Act to Amend the Mining Safety Act, at its public meeting on March 18, 1993. The committee would like to thank the Minister of Safety and Public Services, the Honourable John Todd and the deputy minister for the Department of Safety and Public Services for presenting this bill and responding to committee Member's questions and concerns.

The Mining Safety Act regulates occupational health and safety procedures for people working in and around mines in the Northwest Territories. The act and the regulations under the Mining Safety Act requires certain mine employees pass written examinations and obtain certificates to carry out their duties, and requires that permits be obtained for certain activities in

and around mines. Currently, the department does not charge fees for these certificates, exams or permits.

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This bill would amend the Mining Safety Act to specify that the Commissioner may make regulations setting fees for certificates, permits, examinations and services provided under the act. Committee Members questioned the Minister with respect to the new fees which would be instituted, the administration of the new fees and the consultation by the Minister with the mining industry.

On March 18, 1993, the Standing Committee on Legislation carried a motion to report Bill 22, An Act to Amend the Mining Safety Act, to the Assembly as ready for committee of the whole. This concludes my remarks on Bill 22, Mr. Chairman. I invite other

committee Members to make additional comments on this bill. Qujannamiik.

**CHAIRMAN (Mr. Pudluk):**

Thank you. Would the Minister like to invite his officials in? Are there any general comments? Member for Thebacha.

General Comments

**MRS. MARIE-JEWELL:**

I would like to ask the Minister why he is posing a fee when it was never done before?

**CHAIRMAN (Mr. Pudluk):**

Mr. Minister.

**HON. JOHN TODD:**

We are posing a fee for the cost recovery for the cost of running the examinations. The fee is consistent with other jurisdictions across Canada. What we are doing, as I have said to the Standing Committee on Legislation, is a revenue initiative in an effort to recover the costs associated with the examinations.

**CHAIRMAN (Mr. Pudluk):**

Thank you. Member for Thebacha.

**MRS. MARIE-JEWELL:**

Why was this fee not imposed earlier, the retrieving of the cost of the examination? Why, in tough times, are examination fees being proposed?

**CHAIRMAN (Mr. Pudluk):**

Mr. Minister.

**HON. JOHN TODD:**

It is a difficult time. It is a difficult time for government and individuals. The fact of the matter is, I do not know why it was not done in the past. We have brought forward this bill because we think it is appropriate at this time to find some additional revenues to cover the cost of the examinations. It is consistent with other jurisdictions across Canada.

**CHAIRMAN (Mr. Pudluk):**

Member for Thebacha.

**MRS. MARIE-JEWELL:**

I am fed up hearing that bills are being developed because they are consistent with other jurisdictions in Canada. That is the uniqueness of the north, we do not have to follow exactly everything which is done in the rest of Canada. Has the Minister brought this to the attention of the different mining industries with regard to informing them that they are now going to be charging a fee, and receiving the recovery costs on the examinations of these certificates which will be issued? Has the Minister advised the public of this significant change? Thank you.

**CHAIRMAN (Mr. Pudluk):**

Mr. Minister.

**HON. JOHN TODD:**

First of all, the reason for proposing the bill is not because it is consistent. The reason we are proposing the bill is clear, it is a cost recovery initiative with respect to the examinations. The Standing Committee on Legislation advertised their view of the bill. The industry had an opportunity, at that time, to make a comment. I am not sure whether they did or not. Perhaps the chairman of the Standing Committee on Legislation could advise us whether they did. There was provision made for public input through the Standing Committee on Legislation procedure.

**CHAIRMAN (Mr. Pudluk):**

Thank you. Member for Thebacha.

**MRS. MARIE-JEWELL:**

Seeing as the chairman of the Standing Committee on Legislation and the deputy chairman of the Standing Committee on Legislation are not in the House, I would like to ask someone, and it is usually the Minister who is responsible for bringing this bill to the House, and not the chairman of the Standing Committee on Legislation, they are recommending passage of it, but it is the Minister who wants this bill passed, so he should have the answers. Was there any response to advising the public on this particular bill? Thank you.

**CHAIRMAN (Mr. Pudluk):**

Thank you. Mr. Minister.

**HON. JOHN TODD:**

There was no response, as I am aware, with respect to the changes in the Mining Safety Act seeking a fee to regulate the blasters, hoist operators and shift bosses.

**CHAIRMAN (Mr. Pudluk):**

Thank you. Member for Thebacha.

**MRS. MARIE-JEWELL:**

Thank you. Every bill has the opportunity for public consultation through the process. I wanted to make sure that there were no concerns expressed and it appears this is what the Minister is saying.

The other thing which I want to ask before I consent to this bill is, what type of fee is he planning to impose for these certificates in cost recovery? Is it \$1,000 or \$100 a certificate? I would like clarification. Thank you.

**CHAIRMAN (Mr. Pudluk):**

Thank you. Mr. Minister.

**HON. JOHN TODD:**

It would be a one time only \$100 fee for the certificate. In other words, if you are a shift boss, hoist operator or blaster, once you are examined in the Northwest Territories, it would be a one time only \$100 fee.

**CHAIRMAN (Mr. Pudluk):**

Thank you. Member for Thebacha.

**MRS. MARIE-JEWELL:**

Is the Minister indicating that once you obtain your certificate, it is good for the entire time you are working in the Northwest Territories?

**CHAIRMAN (Mr. Pudluk):**

Thank you. Mr. Minister.

**HON. JOHN TODD:**

Yes, it is forever, in the Northwest Territories.

**CHAIRMAN (Mr. Pudluk):**

Are there any general comments? Mr. Whitford.



**MR. WHITFORD:**

Thank you, Mr. Chairman. Most of the questions I would have asked have already been asked. I am on the Standing Committee on Legislation and was at a public meeting at 8:00 am in the Gold Room. However, no one from the public showed up other than the Members of the committee. I asked the Minister a considerable number of questions related to the consultation with the stakeholders. I was concerned that the public had not had an opportunity to provide input into this. It appears that opportunity was given to the public to provide their input and ask questions concerning the fee being a one time fee or an annual fee. The concern from the public I have spoken to was whether or not this would be an annual fee. However, no members of the public appeared at that meeting and I had asked the questions as to whether the stakeholders were advised of it, and the information I received was that they were.

**CHAIRMAN (Mr. Pudluk):**

Mr. Minister. No question there. No comment. General comments.

**SOME HON. MEMBERS:**

Clause by clause.

**CHAIRMAN (Mr. Pudluk):**

Does this committee agree that we go clause by clause?

**SOME HON. MEMBERS:**

Agreed.

---Agreed

Clause By Clause

**CHAIRMAN (Mr. Pudluk):**

Thank you. Clause 1.

**SOME HON. MEMBERS:**

Agreed.

---Agreed

**CHAIRMAN (Mr. Pudluk):**

Clause 2.

**SOME HON. MEMBERS:**

Agreed.

---Agreed

**CHAIRMAN (Mr. Pudluk):**

Thank you. Bill as a whole.

**SOME HON. MEMBERS:**

Agreed.

---Agreed

**CHAIRMAN (Mr. Pudluk):**

Does this committee agree that Bill 22 is ready for third reading?

**SOME HON. MEMBERS:**

Agreed.

---Agreed

**CHAIRMAN (Mr. Pudluk):**

Thank you. We will now go on to Bill 25, Supplementary Appropriation Act, No. 1, 1993-94. Member for Thebacha.

**MRS. MARIE-JEWELL:**

It is my understanding that Bill 25 is supp one for next year. We are not even finished this year, so does the government want to do next year's supp already when we just finished the budget yesterday? Thank you.

**HON. JOHN POLLARD:**

Mr. Chairman, we are not ready to proceed at this particular time. Thank you, Mr. Chairman.

**CHAIRMAN (Mr. Pudluk):**

Thank you. What does the committee wish to do now? Member for Thebacha.

**MRS. MARIE-JEWELL:**

Mr. Chairman, can we proceed with the legislative action paper, the tabled document which is in committee of the whole, Committee Report 15-12(3)? Thank you.

**CHAIRMAN (Mr. Pudluk):**

Does this committee agree we deal with Committee Report 15-12(3)?

**SOME HON. MEMBERS:**

Agreed.

---Agreed

**CHAIRMAN (Mr. Pudluk):**

Thank you. We will take a five minute break.

---SHORT RECESS

**CHAIRMAN (Mr. Pudluk):**

This committee will now come back to order. Are you ready to proceed on the report on Tabled Document 33-12(3): Government Accountability: A Legislative Action Paper On Access To Government?

**SOME HON. MEMBERS:**

Agreed.

---Agreed

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

**CHAIRMAN (Mr. Pudluk):**

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

**MR. ARNGNA'NAAQ:**

Thank you, Mr. Chairman. I would like to ask the deputy chair to proceed at this point.

**CHAIRMAN (Mr. Pudluk):**

Mr. Lewis.

Comments By Standing Committee On Legislation

**MR. LEWIS:**

Thank you, Mr. Chairman. This is a summary of a report from the Standing Committee on Legislation on the legislative action paper on access to government.

The Standing Committee on Legislation has completed its review of Tabled Document 33-12(3), entitled Government Accountability: A Legislative Action Paper on Access to Government.

The legislative action paper proposed a unique design to increase public access to government decision-making, by combining right to information legislation with the creation of an ombudsman office for the Northwest Territories. During its review the Standing Committee on Legislation spent considerable time studying and discussing in detail the history of right to information on ombudsman concepts and the principles incorporated in the legislation of other Canadian jurisdictions. The committee commented on this study in detail

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in its final report which is before committee Members. However, the committee proposes that for the purposes of our discussion in the committee of the whole, the comments of the standing committee will be presented in a summarized form. The full text of the report is before all Members and Members of the Standing Committee on Legislation are prepared to discuss these aspects in detail if other Members wish.

The standing committee met on several occasions during the Second Session of the 12th Assembly to consider the issues raised by the legislative action paper. In October, 1992, Members of the standing committee participated in a four day workshop on access to government principles. We invited representatives from legislatures and freedom of information and ombudsman offices in Ontario, Manitoba, Saskatchewan and British Columbia.

The standing committee also held public hearings on the legislative action paper in eight communities throughout the Northwest Territories from January 11 to 21, 1993. To achieve greater cost-effectiveness, the committee split into two sub-committees for the majority of its travel. One sub-committee conducted public hearings in Iqaluit, Pond Inlet and Rankin Inlet, and the other in Inuvik, Norman Wells and Hay River. The full committee then met to hold public hearings in Cambridge Bay and Yellowknife.

A number of individuals and organizations interested in the access to government proposal made verbal presentations before the standing committee, and the committee received several written briefs as well. The standing committee wishes to extend its appreciation to all those who made submissions on the legislative action paper. The comments and suggestions were thoughtful and of great assistance during the committee's deliberations.

The committee would also like to thank the local governments of each of the communities visited, as well as the Hay River Dene band for the tours and special functions hosted for the committee's benefit.

Throughout this report the Standing Committee on Legislation provides substantive direction on issues related to the content of perspective legislation as offered. The intent of the committee is to assist the Legislative Assembly to debate the key principles of the access to information and ombudsman concepts, and to provide guidance to the Minister in preparing the legislation.

#### Overview Of The Access To Government Legislation

The legislative action paper on access to government deals with two concepts proposed to increase the accessibility and accountability of the Government of the Northwest Territories to the people that it serves. The paper suggests that these concepts, right to information and the creation of an ombudsman, might be combined in one bill.

#### Right To Information

The purpose of right to information legislation generally is to provide a right of access by the public to information under the control of specified government bodies, such as government departments, boards, agencies, or municipal governments. Often, additional provisions protect the privacy of individuals by restricting the way in which government bodies collect, use and disclose personal information.

#### History Of Right To Information Legislation

The country having the longest experience with the principle of openness of government information is Sweden, which passed a law providing for public access to official documents in 1766. Finland adopted a similar law in 1951, the United States in 1966, and Denmark and Norway in 1970. Access to information legislation has now been adopted in over 15 countries.

The first Canadian right to government information statute was passed in Nova Scotia in 1977. At present, all jurisdictions except Prince Edward Island, Alberta and the Northwest Territories have right to information legislation.

Proponents of right to information legislation argue that open access to information makes it more possible for citizens to participate in the formulation of

policy, and to hold governments accountable for past decisions and actions. In Canada, it has become generally accepted that if participation in government is to be meaningful, citizens must be fully informed of their government's activities, and that citizens should not be dependent upon the will of government to obtain this information.

During its consideration of the legislative action paper, the Standing Committee on Legislation reviewed the components of right to information legislation in other jurisdictions.

#### Access Components

The fundamental principle of right to information legislation is that members of the public are given a right to access information collected or prepared by their government.

It is also recognized certain types of information should be exempt from this general right, and should not be released to the public. In these cases, the legislation includes provisions to exempt the types of information for which people should not be able to exercise a right to access. All of the provinces with right to information, but one, use this statutory design.

#### Mandatory And Discretionary Exemptions

The right to information legislation of most Canadian jurisdictions contains a mixture of mandatory and discretionary exemptions, depending on the rationale for the exemption. When exemptions are mandatory, government bodies are required to refuse any request for access to that type of information. When exemptions are discretionary, the government body may release information subject to the exemption if it feels that no harm would be done.

#### Types Of Exemptions

The specific lists of exemptions from the public right of access to government information vary considerably from one jurisdiction to the next. However, certain general classes of information are protected from release to the public across the country. These typically include restrictions on the release of

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personal information, commercial information that could harm third parties, and other types of information that might present a danger to individuals or to the government's ability to govern.

## Overrides

Often, right to information legislation also often provides for the application of "overrides", allowing or requiring information that would otherwise be exempt to be disclosed in the interest of public health or safety.

## Privacy Components

Of the jurisdictions which have enacted right to information legislation, four provinces deal exclusively with providing a right of access to government information. In the remaining jurisdictions, legislation also contains provisions for the protection of privacy. These statutes restrict the government in its collection, use and disclosure of personal information. At the federal level, privacy provisions have been enacted in a separate statute.

Jurisdictions which have not enacted comprehensive privacy legislation do provide some protection against the disclosure of personal information. Right to information legislation contains an exemption from the general obligation to grant access to the public when the information is personal information concerning another individual. However, other jurisdictions which have not enacted comprehensive provisions for the protection of privacy.

## Review/Appeal Components

An individual who is denied access to government records may apply to have the decision of the government body reviewed. This application may be to the courts, to a judge, to an information commissioner, to an ombudsman established under separate legislation, or to a Minister, depending upon the statute.

Jurisdictions which have adopted an investigative approach to reviewing denials of access authorize the reviewing office, such as an ombudsman or information commissioner, to recommend government action to correct an improper denial of access. In this case, the government body would not be required to comply with the recommendations.

Other jurisdictions have adopted an adjudicative approach, where reviews of denials of access are conducted by a judge or information commissioner who may order the government body to grant access to the information, subject to any further available appeal.

I will now hand it back to the chairman, Mr. Chairman, to continue with the report of the Standing Committee on Legislation. Thank you.

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

Thank you. Mr. Arngna'naaq.

## Ombudsman Legislation

### **MR. ARNGNA'NAAQ:**

Generally, the office of the ombudsman is given the responsibility to investigate complaints about

government administration, with the objective of ensuring "administrative justice."

## History Of Ombudsman Legislation

The need for the protection of the ordinary citizen against possible unfairness or injustice in the administration of government policy by public officials has been recognized in many societies over thousands of years. In ancient times, Roman, Chinese and Islamic peoples established officers to review the performance of government officials and to take complaints from citizens.

The contemporary concept, and title, of the ombudsman originated in Sweden in 1809. The word "ombudsman" simply means "representative." Over time, the function of the office evolved to the present concept of protection of the public from administrative wrongdoing.

The role of the ombudsman was further refined in Finland and by 1953, in Denmark. Alberta was the first Canadian jurisdiction to pass ombudsman legislation in 1967. Ombudsman legislation is currently in place in all provincial jurisdictions in Canada except Prince Edward Island, Newfoundland, Yukon Territory and the Northwest Territories. As well, there are now approximately 138 ombudsman offices located in more than 40 countries.

## Role Of The Ombudsman

The standing committee examined the Canadian interpretation of the ombudsman model with a view to considering its current relevance to the Northwest Territories.

The general concept of the role of the ombudsman extends well beyond access to government information. During its review of other jurisdictions,

the standing committee found that current legislation gives the office very broad powers and scope.

The concept of independent review by the ombudsman depends upon the office being independent from government, and from the authorities under the government's jurisdiction. In other Canadian jurisdictions, the ombudsman is appointed by the Legislative Assembly, and reports directly to the Assembly. The ombudsman is given broad powers to receive and investigate complaints by the public about any administrative act or decisions of government. An ombudsman also may conduct an investigation upon his or her own initiative.

In other jurisdictions, the ombudsman may also appropriately investigate the exercise of discretionary powers, to determine whether these powers have been exercised for a proper purpose, on relevant grounds, after taking into account relevant considerations.

The ombudsman has wide discretion as to how investigations are carried out. The ombudsman may require persons to give evidence under oath, and may require that documents be produced. This allows the ombudsman to have access to all relevant files and records kept by the body relating to the matter under investigation, access which is not readily available to other "protectors of the public."

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#### Influence Of The Ombudsman

The ombudsman concept does not include the power to order or direct action by the government. The ombudsman office reports its findings and recommendations on the complaint to the organization investigated and the complainant.

The influence of the ombudsman arises from the ability of the office to obtain all relevant information and to mediate between the parties, often reaching a consensus as to the resolution of the complaint.

Where agreement cannot be reached, the influence of the ombudsman in these circumstances may also be significant. The annual or interim reports of the ombudsman to the Legislative Assembly describe the situations where the ombudsman has made recommendations to a government body with which the government body did not comply. The attention of Members of the Legislative Assembly may then be

drawn to the details of specific problems of government administration.

I will turn the third section over to Mr. Lewis, Mr. Chairman.

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

Mr. Lewis.

Proposals For Action

Right To Information

#### **MR. LEWIS:**

Thanks, Mr. Chairman. As noted in the legislative action paper, considerable discussion has taken place in the Northwest Territories during recent years around the issue of access to government records.

During its public hearings, the Standing Committee on Legislation consistently heard that members of the public from all parts of the Northwest Territories view access to government records to be linked to the basic right to participate in government in a democratic society. Many individuals and organizations made the point, forcefully, that this should be a priority of this government.

For example, in Yellowknife, the Status of Women Council of the Northwest Territories presented this point of view:

"Access to information should be given. We, the people, elected the legislators and either benefit or suffer from their actions or decisions. It is absurd to us that any information, with very few exceptions, should be withheld from the public."

The standing committee also heard that in many circumstances, accessing government information is difficult at present. For example, in Pond Inlet, Mr. Anaviapik to the committee:

"As an ordinary person, trying to get assistance from the government is almost impossible. Most of the time they tell us that they will get back to us. This is usually the only answer we get."

Based on the submissions received during public hearings and extensive discussions and consideration of the issues, the Standing Committee on Legislation was of the opinion that the development of right to information legislation should be made an immediate priority of this government. A right to information bill

should be introduced in the Legislative Assembly as soon as possible, and not later than the fall of 1993. If this bill receives second reading, it should again be referred to the Standing Committee on Legislation for a detailed review.

#### Ombudsman

The Standing Committee on Legislation also received several expressions of support for the creation of an ombudsman for the Northwest Territories. Although those submitting their comments to the committee were not unanimous, the Members of the standing committee were of the opinion that the creation of an ombudsman office for the Northwest Territories could be justified.

For instance in Cambridge Bay, the standing committee received the comments of Mr. Peterson, who described his view of the benefits of an ombudsman for the Northwest Territories:

"We are advocating an ombudsman position that would allow information to be revealed where parties to an impasse could negotiate a settlement or resolve an issue. An individual may be off track. An ombudsman could explain, after investigating the problem, to the individual in a way that he can understand. In other cases, the government could be off track and the ombudsman could explain to the government people that, listen, it is not in the best interest of the government to buy this. It has to treat this person or business with respect and openness and get on about the business of running government without dragging everyone into court with bitterness, mistrust or distrust to develop. We are not suggesting that the ombudsman be the judge and jury. In fact, we would like him to be a capable negotiator, a diplomat, ambassador, or whatever, for everybody to look up to and trust on both sides."

The Standing Committee on Legislation also supports in principle the notion that ombudsman legislation be developed for the Northwest Territories. The standing committee recognized the obligations and duties of government to the people that it serves, and felt that recourse to an independent body by those individuals who may have been aggrieved should be available, in the interest of ensuring accountable and efficient government.

However, during the public hearings, the standing committee received requests for a more concrete proposal respecting the creation of an ombudsman. The concept of an ombudsman has not received the

amount of attention and debate as has access to information. Throughout the review process, it was expressed to the committee that the lack of information in the legislative action paper made it difficult for the public to develop an informed response. As it was not clearly expressed, members of the public were not able to get a full sense of the role that the government proposed the ombudsman should play in the Northwest Territories.

The standing committee was of the opinion that a more detailed proposal for the creation of an ombudsman should be

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made available for public review. This could be best accomplished through the tabling of a second legislative action paper outlining specific options in this area. Preferably, the legislative action paper could be appended by a draft bill for review. The standing committee anticipates that such a proposal would be provided by the fall of 1993.

I would like to hand this back to the chairman, now, Mr. Chairman.

**CHAIRMAN (Mr. Pudluk):**

Mr. Arngna'naaq.

**MR. ARNGNA'NAAQ:**

Thank you, Mr. Chairman. I am passing it on again to another Member of the committee, to Mr. John Ningark.

**CHAIRMAN (Mr. Pudluk):**

Thank you. Mr. Ningark.

Right To Information Legislation In The Northwest Territories

**MR. NINGARK:**

Thank you, Mr. Chairman. The Standing Committee on Legislation has considered carefully the submissions provided by the public and the principles and components of right to information and ombudsman legislation in other jurisdictions. As a result, the standing committee has reached certain conclusions as to how to design legislation which might best meet the needs of the people of the Northwest Territories.

## Principles

The Standing Committee on Legislation received many submissions which reflected a need for the government to make a strong commitment to access to information, and to certain underlying principles. During the public hearings, the following basic principles emerged as fundamental tenets, in the committee's view, of a workable and 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 all NWT communities;
7. Fees must not form a barrier to access to information; and,
8. The legislation should contain a requirement for periodic mandatory review by the Legislative Assembly.

## Jurisdiction Of Access Legislation

To a large extent, the practical implications of right to information legislation for the people of the Northwest Territories will depend upon the scope of the legislation.

Government in the Northwest Territories is large in relation to the population, and it exerts great impact on the lives of Northwest Territories residents. However, in addition to the activities of government departments, several other bodies play a large role in our daily lives. As the government proceeds with its

community transfer initiative, the role of these bodies may become even more significant.

The standing committee discussed at length the question of the appropriate jurisdiction which should be held by right to information legislation. The standing committee is of the opinion that the right of access to information and of meaningful participation by individuals should extend to government in a broad sense. Right to information legislation should apply to all government departments, as well as government corporations and all boards, commissions and agencies to which the government appoints at least one member.

The standing committee is of the opinion that the Minister should examine the possibility of future extension of right to information legislation to bodies such as local government bodies and self-governing professional bodies, as well as organizations that receive a specific minimum level of government funding. However, further consultation with local government, in particular, is required before this step is taken. Access to government departments and agencies, boards and commissions should be accorded the first priority.

## Review Of Right To Information Legislation

The standing committee recognizes the unique circumstances in the NWT and that difficulties may occur in the implementation of right to information legislation that cannot be anticipated at this time. A right to information bill should include a requirement that the legislation be reviewed by a committee of the Legislative Assembly after a period of time, such as three or four years, to ensure that the legislation is effective.

## Access Provisions

In accordance with the previously outlined principles, the Standing Committee on Legislation takes the position that members of the public must have the general right to request and receive access to government records.

However, the standing committee recognizes, as well, that there are certain types of information which should not be available to the public, for various reasons.

The Members of the standing committee believe strongly that access legislation should be designed to first protect the right of access, with only such

exemptions as are clearly set out in legislation. This approach is in contrast to the more limited

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legislative design which allows public access only to specified types of government information.

#### Mandatory/Discretionary Exemptions

The standing committee was of the opinion that exemptions to the right of access to information should in most cases be discretionary, so that the government would be allowed to disclose information in appropriate circumstances, even though the criteria authorizing a denial of access were met. This design would allow for the greater amount of public access, without arbitrary restrictions.

#### Duty To Sever

The standing committee was of the opinion that right to information legislation should impose a duty upon government bodies to disclose as much of the information requested as possible. The government body should be required to disclose any information which can reasonably be severed from those portions which are subject to an exemption.

#### Public Interest Override

The standing committee is of the opinion that, in matters concerning significant risks to public health, public safety or the environment, "overrides" to exemptions from disclosure are warranted. Overrides should allow disclosure of information in cases where a compelling public interest in disclosure clearly outweighs the purpose of the exemption. As well, in certain circumstances, where the risk to the public warrants, the government body should be required to disclose information of a hazard even though no request has been made.

#### Exemptions To The Right Of Access

The Standing Committee on Legislation spent considerable time studying the types of information which should be exempt from the right of public access. Where other considerations outweigh the principle of the right of access, exemptions should be limited and specific.

#### Personal Information

The standing committee is of the opinion the right to information legislation must respect individual privacy.

In general, personal information should be subject to mandatory exemption from disclosure to anyone other than the person to whom it relates.

#### Third Party Commercial Information

The standing committee recognizes that the interest of third parties may justify a refusal of disclosure of information. Right to information legislation should provide a mandatory exemption from disclosure for private commercial information supplied to the government by a third party, where harm would be reasonably likely to result from disclosure.

#### Law Enforcements And Legal Proceedings

The Standing Committee on Legislation is of the opinion that a government body might properly refuse to disclose a record where the disclosure would be reasonably expected to have an adverse impact on the enforcement of the law, or the conduct of legal proceedings. For instance, if a public body was in possession of a record which would interfere with an ongoing RCMP investigation if disclosed, or jeopardize the security of a correctional institution, it could be exempt from disclosure.

#### Information Harmful To Individual Or Public Safety

The standing committee is of the opinion that the refusal to disclose government information might also be justified where the disclosure might reasonably be expected to result in immediate and grave harm to an individual's mental or physical health or interfere with public safety.

#### Intergovernmental Information And Relations

Right to information legislation should also provide a discretionary exemption allowing the government to refuse to disclose information that might reasonably be expected to harm intergovernmental relations or negotiations, or to disclose information received in confidence from another government. This could also include information that would damage the financial interests of the government or interfere with the management of the economy.

#### Cabinet Records And Policy Advice

The standing committee recognizes that some protection of the deliberations of Cabinet can be justified. However, the committee heard concerns from the public that such an exemption may be applied too broadly.



The committee was concerned that factual information should not be automatically exempt from the disclosure simply on the basis that it was presented to Cabinet. Factual materials should be available for disclosure in accordance with the concept of severability.

#### Protection Of Privacy

The Standing Committee on Legislation concludes that comprehensive provisions for the protection of privacy must be an integral part of any right to information legislation. Such provisions would protect the privacy of individuals with respect to personal information held about themselves by government bodies, and would provide individuals with a right to access and request correction of that information.

Privacy components of right to information legislation should allow individuals to obtain access to personal information about themselves which is under the control of government bodies, subject only to specific legislative exemptions. Access to personal information should generally be granted only to a person to whom the information relates.

The standing committee was also of the opinion that the right to request the correction of personal information is an important component of right to information legislation.

The standing committee considered this right to be essential because of the significance that personal information has for the ways in which government institutions deal with individuals in a wide variety of situations. Incorrect personal information can have serious consequences for an individual in his or her

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dealings with an institution, for example, in relation to his or her entitlement to social benefits or suitability for government employment or contracts.

Where the institution refuses to make a requested correction, the legislation should provide that the individual has the right to make a notation to the file, to show the nature of the request and of the objection to the information.

Although this issue was not addressed specifically in the legislative action paper, the standing committee also concluded that in the interest of protecting personal privacy the legislation should restrict the government's freedom to collect, use and disclose personal information. Personal information should be

collected only from the individual concerned except in limited situations.

The collection of personal information should be limited to the extent that it is necessary for the proper administration of the programs or responsibilities of the government body. Government bodies should be required to take reasonable care that information that is current and accurate, and should be able to use the information only for the purpose for which it was obtained, or related purposes. Clear restrictions on the disclosure of personal information should be placed on government bodies.

Individuals should enjoy the right to privacy with respect to personal information held about them by government bodies. Generally, personal information should be disclosed only to the individuals about whom it relates.

#### Community Access

Several individuals and organizations gave the clear message to the Standing Committee on Legislation that many residents in the communities of the Northwest Territories do not perceive the Government of the Northwest Territories to be understandable and accessible. Many presenters supported the concept of right to information legislation, but stressed that there must be a community focused model to enable all individuals to exercise their rights under the legislation.

The standing committee takes the position that right to information legislation must provide a framework for assistance with information requests at the community level. The committee cannot support the suggestion that government liaison offices, or other government employees, be automatically given this role. In many areas the committee was told that in order for the government's efforts to institute a right to government information to be credible, an individual who receives the support of the community must be given the role of "advocate" or "helper" to assist individuals with the preparation and submission of information requests, and to assist when the government response is not adequate. In many communities, it is crucial that this "advocate" not be associated with government. The committee holds the opinion that the communities should be consulted for their views as to the most appropriate vehicle for them.

Where a community person is chosen, the committee recognizes that the work of the "advocate" in assisting

with information requests may be sporadic. However, the committee was of the view that a reasonable approach would be to contract local individuals on a fee for service basis, to perform services as required. The committee notes that the need for an independent advocate was stressed particularly strongly by the public with respect to access to a future ombudsman office, and is of the view that the role of the community advocate could be designed to facilitate public access both to government information and to future ombudsman services.

#### Fees

The standing committee received submissions with divergent views on the question of whether fees should be charged for the provision of access to government information. Members were concerned that the right of access to information should not be accorded only to those with the means to afford it, and wished to affirm the principle that access to information is a public right.

The committee is of the opinion that fees should not be charged by government bodies for access to the requester's own personal information. In the view of the standing committee, fees should not be charged on the basis of the time required to fulfil a public service in searching for a government document. A small administration fee, and charges to cover photocopying costs may be justified. The committee is of the opinion that where access is refused on the basis of an exemption in the statute, no fees should be charged.

#### Review Of Denial Of Request

The Standing Committee on Legislation deliberated extensively on the issue of the appeal of refusals by government bodies to grant access to requested information.

The standing committee is of the opinion that the review officer must be appointed by and responsible to the Legislative Assembly.

The standing committee devoted considerable attention to this issue, but is unable to present one specific alternative as a model selected by the committee.

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The standing committee did, however, come to the conclusion that the government should give serious consideration to three options. The committee sees

merit in the approach whereby an official, often called an "information commissioner" is given broad powers to investigate and review denials of access to information, and to order a government body to produce information. However, the standing committee recognizes that the power to order government action would not be compatible with the role of an ombudsman, should ombudsman legislation be passed.

The standing committee considered a second approach, which would institute a review officer with powers compatible with those of an ombudsman, to recommend government action. Where the government continues to refuse disclosure, or where the ombudsman recommends that the information not be disclosed, the individual would still be entitled to appeal in court.

The standing committee also considered a third approach which is not a model used in other jurisdictions. The committee recognizes the desire of the government to contain costs, and is aware that the services of a review officer under the legislation may not be required on a frequent basis.

The committee considered an alternative whereby the Legislative Assembly would appoint a panel to screen requests from applicants for the review of decisions of government to deny access to information. The panel might be authorized to appoint an ad hoc information commissioner where appropriate, who could fully investigate and rule on the request for information.

Under this scheme, the decisions of the panel and of the information commissioner would be final, subject to court review on administrative law principles. The committee is of the opinion that this model, or a similar one, might be given consideration by the government an option to the traditional, southern approaches.

That ends my section and I ask Mr. Whitford to continue, Mr. Chairman. Thank you.

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

Mr. Whitford.

An Ombudsman Proposal For The Northwest Territories

#### **MR. WHITFORD:**

Qujannamiik. During its public review, the standing committee received submissions on both sides of the

ombudsman issue. In the views of some witnesses, the creation of an ombudsman office is unnecessary, and carries the potential to become another unwieldy level of government bureaucracy.

However, the standing committee also heard much commentary to the contrary. Several specific examples were presented to the standing committee detailing situations where the intervention of an ombudsman would have been beneficial. A number of organizations reported that they had been forced to assume a role in assisting individuals to deal with their complaints against government, even though this was not directly within their mandate. However, these organizations clearly were restricted in terms of any powers to investigate, report publicly or recommend.

The Standing Committee on Legislation came to the conclusion that the creation of an ombudsman's office would be of merit.

The standing committee received several presentations supporting the establishment of an ombudsman office, and urging that a framework be established to facilitate access to this office at the community level. Although the unique conditions of the Northwest Territories present challenges, the standing committee feels strongly that this government must become closer to the people in the outlying communities. As was suggested with respect to right to information legislation, a model should be developed to enable residents of the communities to pursue their complaints against government, and to obtain information about government, with the assistance of a local person who is independent from government and supported by the community. Again, the standing committee cannot support the use of government liaison officers in this role, and submissions from the public were heavily weighted against this option.

The committee is of the view that a single community access framework could be designed to accommodate the needs of the communities with respect to both access to information and ombudsman legislation.

Witnesses before the Standing Committee on Legislation also expressed their disappointment with the development of the ombudsman concept in the legislative action paper. More attention was devoted to the choice of a name for the officer than on an explanation of the Minister's proposal. Witnesses said that the proposal was simply too vague to enable them to prepare detailed commentary, criticisms or

suggestions. Many expressed a desire to review a draft bill before introduction in the House.

The Standing Committee on Legislation agrees with these comments. Unlike right to information legislation, little public discussion has occurred to date on the creation of an ombudsman for the Northwest Territories. The concept of the ombudsman requires that the public be consulted as to the details of proposed legislation.

The Standing Committee on Legislation is of the opinion that a legislative action paper should be developed to focus specifically on the concept of an ombudsman for the Northwest Territories. Preferably, a draft ombudsman bill would be appended to the legislative action paper for review. The standing committee expects that this would not be developed in isolation from the work on right to information legislation, and that coordination of the concepts could be achieved.

The legislative action paper should focus on:

- the powers and jurisdiction of the ombudsman;
- the mandate of the ombudsman;
- the original of complaints and referrals;
- a model for community access;
- coordination of the office with the office of the Official Languages Commissioner and/or right to information legislation.

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#### Recommendations

Committee Motion 155-12(3): To Adopt Recommendation 1

I move that this committee recommends 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.

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

Thank you. The motion is in order. To the motion.

#### **AN HON. MEMBER:**

Question.

**CHAIRMAN (Mr. Pudluk):**

Madam Premier.

**HON. NELLIE COURNOYEA:**

I had my hand up before you went into comments. This legislation was denied in the last Legislative Assembly and the suggestion is that the government give this a very high priority. I was looking at and taking note of the travels that went on around the Northwest Territories, and I would very much like to say that I did not see, or it was not indicated in the turn out of the community representation, that the general public of the Northwest Territories had a high interest in this area. In one community a person was walking along the road, was not prepared and talked to two or three people into going to the meeting and they were the only people who showed up.

It seems to me that although this could be explored, I think the level of priority which is put onto it is a level of priority by a few people who advocated it before and a few people who advocate it in this House right now. This government has spent a great deal of time trying to give information and trying to respond to the Legislative Assembly Members, and this would be another body of people who we would have to respond to.

We only have about 60,000 people in the Northwest Territories. I could see something like this in a larger jurisdiction, but every day for the past year we have faced Members of this Legislative Assembly plus committee meetings in the communities which have been carried out, and we have provided a great deal of information. However, I do not hear any human cry out there that people are wanting us to place a priority on this legislation. I see a priority on many things concerning health, social services, education and program delivery, but I do not see people out there wanting anything but more community support to get the job done. If I was putting a priority on delivering some support to community, it would be community development, to help people get to the growth point where they want to be. To me, this is another level of bureaucracy which the government has to feed. It takes time and effort to make sure that the information is provided, and it seems to me people want to hear what Members of this Legislative Assembly become concerned about. It is the area of privacy, where people want to be able to dig, and I do not know how far you go in a small jurisdiction like the Northwest Territories.

I look at the people who showed up at these community meetings and it is not anyone who has not been there before. So, the whole process which we had before did not instigate other people or new people to show up at those community hearings, which were done at a great deal of personal time by MLAs on the committee and personal expenditure by this Legislative Assembly and government. I cannot see that you have an argument to say the people of the Northwest Territories are crying to have us put this on a priority list, with all the other things we are doing. If there is any evidence that I have missed, I will take note of it, although I have followed the work and I have followed the diligent way that the committee tried to bring people out and bring the interest level up, but it just did not happen, it did not fly. You are putting a priority in an area which will take a great deal of time unless we do it quick and dirty, but I do not see where the word "priority" can be demonstrated with all the work that was done and the people who showed up. It does not give us that message.

**CHAIRMAN (Mr. Ningark):**

Thank you. A recommendation in the form of a motion. To the motion. Mr. Patterson.

**MR. PATTERSON:**

Mr. Chairman, I am disappointed that the committee has not allowed any time for a discussion or comments on the report and that we have gone straight into a motion without an opportunity for general comments. I, in fact, had hoped to ask some questions. Would that be out of order?

**CHAIRMAN (Mr. Ningark):**

I am advised that now the motion has been... If the mover of the motion is prepared to withdraw, we can go back to general comments. Mr. Whitford.

**MR. WHITFORD:**

Thank you, Mr. Chairman. I am quite willing to withdraw the motion until after a general discussion has taken place in order to accommodate Members' wishes.

---Withdrawn

**CHAIRMAN (Mr. Ningark):**

The mover has withdrawn the motion and we are now in the discussion of the report. Mr. Patterson.

## General Comments

### **MR. PATTERSON:**

Thank you, Mr. Chairman. I guess in hearing this report read and in considering what kind of a person would be hired to be an ombudsman, I would like to ask the committee, who have obviously worked very hard on this issue, what could the ombudsman do that a Member of this Legislative Assembly could not do with the powers, resources and staff which are now available to a Member of this Assembly? Specifically, Mr. Chairman, the committee cited on page 41, "several specific examples were presented to the standing committee detailing situations where the interventions of an ombudsman would have been beneficial, and also examples where organizations had to become involved to assist individuals to deal with their complaints against the government." I have two questions, one is, could I have some more information about the specific examples where an ombudsman would have been able to help? Secondly, I would like to hear more about organizations which have been forced to assist individuals. What I am curious about is, could the individuals' Legislative Assembly representative not have been involved, and was the MLA not involved and if not why not? Those are my questions, Mr. Chairman. Thank you.

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

Thank you. Would Mr. Lewis respond to the question of the honourable Mr. Patterson. Mr. Lewis.

### **MR. LEWIS:**

First of all, Mr. Chairman, the committee found, at least in the western part of the territories, there was not an overwhelming feeling that an ombudsman was required. The argument was made that, in fact, the MLA has that kind of role to play, as far as many people in the west are concerned. From the east, though, there was a feeling that there were some examples where there were problems with businesses, for example, that could not access the information they wanted or had difficulty in understanding how decisions are made, and an ombudsman could perhaps present both sides that they at least would have an amicable understanding of how government has arrived at its decisions.

The overall feeling of the committee was that the priority was very much the one which Mr. Gargan had presented in the last Assembly, which was that the public has a right of access to information that they really pay for. It was not a large cost item, it was something that could be very simple and straightforward.

The issue raised by Mr. Patterson about the ombudsman, the general feeling from the committee, and it is reflected in the report, is that this is something which could be looked at later. The priority should be access, just the basic access to information that people consider to be a right. The specific examples of how an ombudsman could become involved for the most part the public felt that MLAs already fulfil that kind of role. That was why this was placed as a second phase, a second legislative action paper to see if there was a real need for an ombudsman, simply because it seemed to duplicate to the work of MLAs. However, the specific examples which were given were to do with where someone had received a particular contract, or there had been some disagreement and so on, and there would be some role there where, perhaps, an ombudsman could determine where something that been dealt with fairly or not.

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

Thank you. Mr. Arngna'naaq.

### **MR. ARNGNA'NAAQ:**

Thank you, Mr. Chairman. I would like to add a little bit to what Mr. Lewis was saying. I attended all the meetings which took place in the east and the view which was taken from the presentations that we received from the east are slightly different from those which we received in the west. The participation in each of these hearings in the east was much greater than in the west, which I think was what the Premier was looking at.

I do not know how many people in the west know how accessible Yellowknife is from the east. In the east we heard of the definite need for either an ombudsman or someone from an office from access to information located in the east. When the suggestion was made from the west that MLAs could do the job of an ombudsman, in the east it is a different story. For example, I have now been here for seven straight weeks. As far as people in my area are concerned, I am not accessible because I am in the west. There is a telephone but that is not the

same as having a person right there in front of you to talk to you in the language that you understand. I think that is what we heard from the east, just to add to what Mr. Lewis was

saying because that was where we were coming from in the east. Thank you, Mr. Chairman.

**CHAIRMAN (Mr. Ningark):**

Thank you. I have Mr. Gargan.

**MR. GARGAN:**

Thank you, Mr. Chairman. Just going back to the transcripts on the leadership speeches which were made, and even speeches which were made by Members who were running for the Executive, much of the message I keep hearing, including Mr. Patterson's, is that we have to look at making this government more accessible and accountable to the people. It was something that was also discussed during the last election, if I recall correctly. So, this is not a new initiative. I believe it became an issue only after it was defeated during the last Assembly. I have not heard anyone who ran during the last election opposed to the public having access to government information. Not one person opposed it. I do not know what the problem seems to be, this government is all of a sudden getting the jitters again with respect to this whole issue. What are we trying to hide? Are we going to have Members tabling their expenses for the public, but not anything else? We cannot allow the public to do that unless they do it through their MLA. We cannot be talking out of both sides of our mouths. Either we support something such as this for the public, and we send that message out, or else we say we have made a mistake, what I said was not what I meant. Say this if this is what you mean. Do not base it on something which happened out there when we visited the communities. You have also made your own promises to the public. Keep that in mind also. We went to the communities because everyone else told us to do so. That was part of the election platforms that many people chose to address, more access to government and more access to government information, make ourselves visible. I believe that was the message I received. I did not hear anything to the contrary. There is nothing wrong with this legislation. I think this government should take it and start drafting legislation. By all means, it is still your duty to do that. If you chose not to support it after you have presented it, then that is your prerogative. The Members on this side have put their

support behind this action paper. It is up to you to take that action paper and wrap up something.

**CHAIRMAN (Mr. Ningark):**

Thank you. Mr. Pudlat.

**MR. PUDLAT:**

(Translation) Thank you, Mr. Chairman. I am a Member of the Standing Committee on Legislation. We visited the communities in the Northwest Territories to hear from the public with regard to the idea of having an ombudsman or ombudsperson. Perhaps not many people attended our public meetings, and we did not go to some of my constituency, but no one ever stated, to me, that there should not be an ombudsperson. They requested someone to help them acquire information from the government. I have heard this at all of the meetings I have attended. There are departments which we can acquire information from, but we cannot do that as unilingual people. When a person has a problem and does not know where to go to get information, this is why we wanted this kind of legislation.

There was never anyone during our visits who said they did not want legislation of this sort. Every community does not need to have an ombudsperson, as long as there is one in the region. As Members of the Legislative Assembly, we have to be available to our people. People have the right to

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information from the government and not just from their MLAs. Someone said there were not many people who attended the public meetings, but of all of the communities which I visited, they stressed the fact that there should be some kind of an ombudsperson, not necessarily in all of the communities. However, perhaps one in the region.

In my constituency, there were people saying there should be an ombudsperson so that the public at large can get information from the government. For that reason, we visited the communities to get their views and what they felt about acquiring an ombudsperson or anyone who can be an information officer for the public. There might not have been very many people who attended the public meetings but out of all of the people I heard from, no one ever said they did not want an ombudsperson or information officer. Perhaps the lack of participation by the public

is because this was the first year we visited the communities.

**CHAIRMAN (Mr. Ningark):**

Mr. Dent.

**MR. DENT:**

Thank you, Mr. Chairman. Politicians generally recognize that there is a tendency for the public to go out to public meetings when they are concerned that something may not happen, they want to see happen, or they are concerned that something has happened that they are upset about. However, if they feel that the right thing is about to take place there is often not many people who turn out to a public meeting. During the last election I heard, overwhelmingly, loudly and clearly, from people in my constituency when I knocked on their doors, that they expected to see access to information legislation. I heard that at almost every single door I went to. I heard it constantly at the public meetings. I promised them that I would work for that kind of legislation and support it. I did not hear from as many people that they wanted an ombudsman, but I did hear it from a significant number of people whose door I went to.

The public has heard most of the people in this House, at some point in time, say that one of the first priorities of government has to be legislation to allow access to information. If our Premier had not said that kind of thing in her campaign speech to become our leader, I might not have supported her. People, generally, have an expectation that this government is going to proceed with this legislation as recommended by the committee after the legislative action paper. On that basis, it is not fair to say because no one showed up at the public meetings there was no interest. I think the public was feeling that finally we were on the right road and demonstrating that we were headed towards accomplishing something which had been expected by the public, and that is one of the reasons they were not there. I think it is very important that we have this kind of legislation. I will be supporting the committee motion when it is presented.

**CHAIRMAN (Mr. Ningark):**

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

**MR. PATTERSON:**

Thank you, Mr. Chairman. I appreciate the opportunity to make some general comments. Mr. Chairman, I would like to say very briefly and I said this when we debated this at the tail end of the last session, I believe in open government. I think we are proud of the openness we have in our government. Undoubtedly, it could be improved on. I think we have a very open accessible government compared to some in this country. I have no problem with legislation which would enshrine that principle, which is what I understand is recommended in the first motion.

However, I want to express my belief that armed with that statutory right, MLAs with the financial resources available to us, and I mean that basically most of us can afford to be full-time MLAs, with the staff resources and research assistants, law clerks, interpreters, lawyers and consultants, if required, who are available to us. I believe that we probably, if we are willing to work, have the power to pursue the concerns of our constituents with the backing of that statutory right. I do believe that there are expectations on the part of the public that may be unreasonable. I know there are business people in my constituency, who I have talked to, who feel that they could get information that is privileged about competitors in the bidding process or in the application process for financial assistance, that may amount to an invasion of privacy. So I want to say here and now, when it comes to the cost, and for that matter, the effectiveness of establishing a bureaucracy around the office of an ombudsman, and I believe that the ombudsman, if I understand the sophistication which has developed in other jurisdictions, it has become a highly technical, sophisticated area, I believe we would be hard-pressed to find someone qualified in the Northwest Territories to do the job the way it is developed. We would end up hiring a southern lawyer and I am not sure, if you put it along side issues like housing, the need for mental health counselling, family treatment for alcohol and drug abuse and these other pressing social issues that we are all aware of, when it comes to spending the \$500,000 plus this would cost, that we need to go that far to make this statutory right actually operate. I think we have the tools within this Legislature to support the MLAs who may not have the confidence or ability to pursue an issue, even with the assistance of research staff and the Ordinary Members' Caucus and the like. In supporting recommendation one, I am not sure that I am convinced that we need to create a full office of ombudsman.

I must say that the second recommendation, it will be put to the committee, seems to recommend, yet another legislative action paper. I thought the government had prepared one and that we had already done that. So, I will need some explanation when we come down to that issue, as to what basis the second legislative action paper would be prepared. Would it be different than the first one? Would it be based on the recommendations in this report? I am not clear on this. However, I now understand better that there is a two-stage process recommended. The first is to enshrine the right and I have no problem with that because I think it is already in place. I cannot think of an issue that the 12th Assembly has dealt with where access to government information has been a problem. Maybe there are issues that I am not aware of, but I cannot recall an instance, unless it has been a matter of privilege or privacy. I cannot think of an area where the government has not provided information, although perhaps I could after some prodding. I do not think we should have any problem recommending the first, but the second step, I remain to be convinced -- especially in the light of our pressing social issues and housing problems -- that we can actually afford to go the stage of asking for the creation of an ombudsman, when really we have the capability as MLAs to pursue that

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statutory right with the support that is available to us. Thank you, Mr. Chairman.

**CHAIRMAN (Mr. Ningark):**

Thank you. Madam Premier. Then Mr. Lewis, Silas and Mr. Arvaluk.

**HON. NELLIE COURNOYEA:**

Just to make it very clear, Mr. Chairman, I have a concern about the development of another level of bureaucracy around an ombudsman. Whether it is a Cabinet or committee Members, each Member should have the right to ask questions and not have someone become defensive about it. I do not get defensive when you slaughter me with questions. The only thing I am concerned about is when you went out to the communities, it was a big issue before, it did not come through after a great deal of debate and it went to the general public and I did not see many people who were that interested. It might be like Mr. Dent is saying, people thought it was going

to be dealt with so they did not show up. Perhaps that is true.

I see the same people here that were here before, and no new people jumped on the support system. I have no problem with the access to information, but it is the building on of that I have a concern about. Right now we spend a great deal of time putting out information, and I have no problem with that. I did not think receiving information was a problem. In terms of saying there has to be a more clear line of getting it, I have no problem with. However, to build an ombudsman and a bureaucracy around it, I have a problem with. When I go to a community and deal with the community, often times it is not that the information is not there, if a person is sitting in a community and they know there is a program available, the information is right there, but they do not have anyone to go and talk to. Sometimes the hamlet wants it, and it is not that the information is not available, it is they do not know whether it exists or not. It does not mean you need legislation to get it, but maybe it is to provide training or community development people, training the employment officers and offering them upgrading so they can provide more to the community. I do not think that it is information that is not available. There is no requirement for an institution to service that. There may be places where information is critical and people are wanting that information, but in terms of giving it the highest priority in relation to other things, that is my question to you. People did not go up there and beat the bushes for it. That was a concern I raised. Mr. Chairman, I want to make it clear, you have two areas here. How would you justify making that a priority when people did not show up?

**CHAIRMAN (Mr. Ningark):**

Mr. Lewis, Mr. Arngna'naaq, Mr. Gargan. Mr. Lewis.

**MR. LEWIS:**

Thank you, Mr. Chairman. This is a classic case of something which was very simple in the last Assembly, which was confused. When Mr. Gargan had a bill that everyone was happy about, the ordinary Members were happy about then the government said we could make it better than that by including an additional function. It was not the ordinary Members' initiative to propose an ombudsman. That, in fact, came from the government because it would involve money. You, as an ordinary Member, cannot advance a bill where there has to be an involvement of expenditures like



that. The bill that was presented as a private Member's bill, did not involve the creation of a bureaucracy at all. It was the government's initiative that moved this piece of legislation to make it a more complex thing to include other functions such as an ombudsman. I would also like to point out that when Mr. Whitford made his motion, there was no mention of an ombudsman in that motion. All that motion said was that we had to proceed with the establishment of the right of access by the public to information held by government institutions. It was at that point that the Premier interjected and said I do not want to discuss this motion until I can have an opportunity to discuss the whole issue surrounding it. It was for that reason that Mr. Whitford withdrew the motion. The big issue for Members of the Assembly, right from the last Assembly where it was the major issue in the last election, at least from my experience, and I agree with Mr. Dent's analysis, is that the public assumes we are getting on with it and making sure that we are on the right track. Those people who felt we were not on the right track, I suppose stayed home and said, "I do not have to worry about this because we have had the commitment."

The commitment could never have been put more accurately and properly than those used by the Premier herself during the leadership debate. I will read it to you. "Mr. Chairman, there is a growing demand by the public for greater accountability and openness in government. People are seeking more information from government about how and why decisions are made. They want to be assured their concerns will be listened to when legislation comes before committees. These feelings have been expressed from all regions of the territories, and as a result one of the first pieces of legislation which will have to be introduced and passed quite appropriately by the Legislative Assembly is access to information." Those are her words, and it was on that basis that she now leads this government. She has already said that would be her first priority, and we are not talking about an ombudsman, we are talking about access to information. That is all there is in the motion which Mr. Whitford read. Thank you, Mr. Chairman.

**CHAIRMAN (Mr. Ningark):**

Thank you. I have Mr. Arngna'naaq.

**MR. ARNGNA'NAAQ:**

Thank you, Mr. Chairman. I would like to raise some areas of concern which were raised by some Members. Usually when an MLA speaks out with

concerns from their communities they allude to businesses. However, my area has not been to concentrate on organizations or businesses, it is more to deal with the people themselves, individuals who have concerns. I would like to say at this point that right now MLAs do not have the power to order productions of documents to review confidential files that the government may have and then make an independent decision, which I think have the right to having access to information would have. When we were in the community of Iqaluit, we received a presentation from Maliganik Tukisiiniakvik, which is a legal group. Their concerns were that they deal with individuals, not businesses, every day where they are not able to access information on the individual's pension. The Tree of Peace, here in Yellowknife, were not able to receive information on the government. The Status of Women said they were not able to receive information on the government that they would like to see. So, there are areas that we, as MLAs, would not be able to access at this point.

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To also address the question of costs of a bureaucracy, I think in the report, if you have read it or listened to what has been said, we indicated on page 23 "To extend the jurisdiction of right to information legislation through an additional statute to bodies such as local government bodies, self-governing professional bodies and organizations which receive a specific minimum level of government funding." I think if it were to be addressed in this way, then there would be minimal cost to the government to run this legislation. Thank you, Mr. Chairman.

**CHAIRMAN (Mr. Ningark):**

Thank you. I have Mr. Arvaluk on the list.

**MR. ARVALUK:**

In my campaign, I talked about the need to make it easier for ordinary people to get information so they can inquire about government programs et cetera, because I always thought it was almost impossible to get information from the government. After two years here, I find it is easier than I thought it was. Maybe someone was not pushing hard enough or trying to find out information as aggressively as I was.

I have no problem with the first part of the motion. However, for the second part, I am a little leery that we are hyped up right now in creating our own Nunavut government sometime soon. As my friend,

Mr. Todd, stated this morning, I think in answer regarding one of the bills, because it is a revenue initiative, also it is done by other jurisdictions. With that kind of precedent setting, that when Nunavut is created we will probably have to include anything that a western Member or former NWT legislation has without Nunavut itself, through imaginative approach, creating their own legislation which is important to them. Mr. Patterson touched on a few of them: housing, social problems, anything that is important right now. I am not going to vote against this, but for the purpose of creating an ombudsman in the second part, I think we are being a little careless in not establishing this one by one. Let us go with the first part of the motion, and I will support it.

Perhaps sometime we could discuss again whether in fact the MLAs are not doing well enough and we need an ombudsman. Then, we could discuss that later, but right now we do not have any problem whatsoever with this present government or with our constituency in exchanging information or digging up information that people need. At least, I have not. I am a little leery about supporting the second part. Thank you, Mr. Chairman.

**CHAIRMAN (Mr. Ningark):**

Thank you. Mr. Gargan.

**MR. GARGAN:**

Mr. Chairman, there were quite a few people who did, as far as the witnesses go, represent different organizations which made presentations. Some people such as the Baffin regional health board made a presentation, the Baffin regional council, the women's resource centre, the media, the chamber of commerce, the Kitikmeot Regional Council, the Status of Women Council, Dene Nation and the Tree of Peace supported this legislation. So, we have a whole slough of people who made presentations that represent certain organizations.

The other thing I wanted to touch on is with regard to Mr. Patterson's concern about an ombudsman, that the ombudsman should be a lawyer, accountant or a professor, for that matter. What is wrong with elders in the communities who understand the principle of natural justice? There is nothing wrong with those kinds of people addressing the same kind of issue.

Mr. Chairman, supporting these motions does not necessarily mean we should create those positions. It only means we should be looking at it.

What are we talking about when we are talking about an ombudsman? Can that be an elder in the communities? Those are all open to discussion, but we should not restrict ourselves to lawyers and accountants. I think we should be open-minded about this whole issue and request the government to first of all draft legislation regarding access to information. That was a commitment made during the leadership debate and I think the government should move in that direction if that was a promise that was made.

**CHAIRMAN (Mr. Ningark):**

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

**MRS. MARIE-JEWELL:**

Thank you, Mr. Chairman. I did not intend to make any comments on the committee's report, however, there seems to be some concern with respect to legislation for access to information. Mr. Chairman, as MLAs, we generally do not have a problem with respect to obtaining information. We generally find ways to get the information we need. I am sure the public has a different problem. During the year of the election, access to information was one of the things which faced many of us and the need was expressed to us by our constituents for access to information legislation. I made a commitment to my constituents that I would have this addressed in addition to the ombudsman. I think an ombudsman would be more effective for the people of the north. Because there is not an independent body that people can go to sometimes when you want something to be looked at independently, to get reviewed by the government, the government's own department reviews what they have done wrong. There is not one person who can look at things independently. I certainly support the concept of an ombudsman. There is no doubt about that.

However, with respect to the legislation for access to information. I think there are a couple of reasons why there were not many people at the public meetings. First of all, all of the committee hearings were held during the day. I do not think they were held in the evenings, if they were held in the evenings I do not know what they coincided with. In some communities you cannot compete with bingos, no matter what type of meeting you are trying to hold.

Secondly, I think many constituents expressed to us that they want this type of legislation and they rely on us to make sure it is formulated. Therefore, they do not want to continually go to public meetings to give

examples as to why it has to be done. I recognize, as an MLA, that we have many different concerns and priorities, and different issues to be addressed. I think all we are asking for is to look at it as one of the priorities. I am sure that by the time we are finished this term, we would like to see the legislation in place. I do not believe it is telling the government to start on it tomorrow and get it developed and that we would like to see it in November. However, we would like to have a commitment from the government for them to look at the legislation, look at

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developing it and to get back to us with regard to a schedule as to when we will see legislation for access to information. Thank you.

**CHAIRMAN (Mr. Ningark):**

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

**MR. WHITFORD:**

Thank you, Mr. Chairman. Prior to making the motion, while it may be true that there were not great numbers of people at the public meetings which we held, we did have to compete with local activities at the time. In the west we held our meetings in the evenings so that it would make it accessible to the public. One has to look at two things. You can either have quantity of people or quality of input. In most cases the input, we felt, was of a nature that we could repeat the comments and put them forward in this report which we have presented. All in all it was positive, Mr. Chairman. From that, the committee took and formulated these recommendations which I will now put forward.

Committee Motion 156-12(3): To Adopt Recommendation 1

Mr. Chairman, I move 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.

**CHAIRMAN (Mr. Ningark):**

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

**AN HON. MEMBER:**

Question.

**CHAIRMAN (Mr. Ningark):**

Mr. Koe.

**MR. KOE:**

I would like to request a recorded vote.

**CHAIRMAN (Mr. Ningark):**

There is a request for a recorded vote. Question has been called. Mr. Clerk, would you call the recorded vote. All those in favour?

Recorded Vote

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

Mr. Whitford, Mr. Lewis, Mr. Arngna'naaq, Mr. Patterson, Mr. Arvaluk, Mr. Pudlat, Mr. Dent, Mrs. Marie-Jewell, Mr. Gargan, Mr. Zoe, Mr. Koe, Mr. Antoine.

**CHAIRMAN (Mr. Ningark):**

All those opposed? All those abstaining?

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

Mr. Allooloo, Ms. Mike, Mr. Pollard, Ms. Cournoyea, Mr. Kakfwi, Mr. Todd.

**CHAIRMAN (Mr. Ningark):**

The motion is carried with 12 in favour, none against, and six abstentions. Thank you.

---Carried

Mr. Whitford.

Committee Motion 157-12(3): To Adopt Recommendation 2

**MR. WHITFORD:**

Thank you, Mr. Chairman. I move that this committee recommends that the Minister of Justice develop a legislative action paper outlining a proposal for the creation of an ombudsman for the Northwest Territories.

**CHAIRMAN (Mr. Ningark):**

Thank you. The motion is in order. To the motion.

**AN HON. MEMBER:**

Question.

**CHAIRMAN (Mr. Ningark):**

Question has been called. Mr. Patterson.

**MR. PATTERSON:**

Thank you, Mr. Chairman. I would like to ask the same question which I asked in my general comments. This committee has held extensive public hearings on a legislative action paper outlining a proposal for the creation for an ombudsman for the Northwest Territories. Why is the committee recommending that we do that all over again? What would the new legislative action paper do that the old one did not do? I fail to understand this. We should proceed with step one and see how it works, and that MLAs armed with the statutory right of access for their constituents to information, should exercise that right and see how it works. Institutions can exercise that right also if required. I wonder whether we should not take that first step and see how it works. Then in due course we could determine whether the legislation has eliminated any barriers that may not exist, and if so, we may not need to go further and create an ombudsman position. Frankly, Mr. Chairman, I believe we have a legislative action paper that we can dust off that outlines how an ombudsman would work if we decide to take that step. I understand clearly from Mr. Lewis, and other spokesmen for the committee, that it is a two-stage process that is envisaged. I am inclined to think that stage two should follow stage one and that we should give stage one a chance to work once the legislation is in place, then see if we need anything more.

**CHAIRMAN (Mr. Pudluk):**

To the motion. Mr. Lewis.

**MR. LEWIS:**

Thank you, Mr. Chairman. The first issue, the issue of access, is really the simple issue of trying to find out something. There could be something you want to find out, maybe something on a piece of paper that you have been wanting to get and you could not get it. Perhaps a report that is, for some reason, not being made public. Those are the kinds of things that would be covered by access to information. However, there may be a role or a function that has nothing to do with this, where for example, someone feels they have been badly treated by the government because of the way someone has decided to interpret a policy. The

constituent is very upset because he or she cannot understand why they are being treated this way by the government. The ombudsman deals with complaints from the public about the way they are being treated, simply because they feel they are in the hands of the bureaucracy and they have no recourse. That is the second problem we see has to be resolved somehow.

The priority for us was this one of trying to get information that people feel they have a right to have. The legislative action paper we are proposing, it maybe that once that has been gone through in some detail, it may be decided that they will not proceed with it. At least we can look at the nature of the problem as it relates to the problems people have with the government that is supposed to serve them.

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**CHAIRMAN (Mr. Pudluk):**

To the motion. Mr. Arvaluk.

**MR. ARVALUK:**

Thank you, Mr. Chairman. I would like to elaborate a bit more on what Mr. Patterson just said. I will not be supporting this motion right now because individuals or institutions will have access to information with the motion that we passed. I think Mr. Lewis' statements are a denial of his own ability as an MLA to get information on behalf of his constituents. I have a fear. Right now it is hard enough to get our priorities straight...

**CHAIRMAN (Mr. Pudluk):**

Point of order. Mr. Lewis.

Point Of Order

**MR. LEWIS:**

I think that it is not appropriate for another Member to comment on another Member's ability to represent their constituents. By supporting this motion, all you are really doing is examining whether in fact the problems people have with their government are something that, once we have them examined in detail, justifies establishing an ombudsman position. This has nothing to do with creating new legislation. It is simply the next thing to look at to see if we need to do it or not.

**CHAIRMAN (Mr. Pudluk):**

Mr. Arvaluk.

**MR. ARVALUK:**

Thank you, Mr. Chairman. I am sorry, I did not mean it that way. I was not accusing an MLA of not being able to do his own job. That is not what I meant. What I am trying to say is we have so many other responsibilities as a government that we have not yet touched. Right now we have had more than a 50 per cent cut in housing from the federal government, we have the health billings dispute and so many other pressing necessities that our constituents want us to get going with. Here we are talking about an ombudsman so we will have a very comfortable time in getting the information from the government when, in fact, our biggest fight is with the federal government, not with the territorial government.

We have wasted a great deal of time in this House bickering about the things my constituency does not want to hear about. I hope I am wrong, but I am afraid that we are going to start using this ombudsman as our research to get information about the government's mishandling of certain situations with their departments. A person comes to me from one of the communities and I try to represent him as best as I can, but I do not know if he will be using the ombudsman as much as we, as able people, are going to use him for a researcher. I think we have to look at this a bit more carefully before we jump into it. I supported the first motion, but at the moment and until we have a good discussion on this, I will not be supporting the motion. Thank you, Mr. Chairman.

**CHAIRMAN (Mr. Pudluk):**

Thank you. To the motion. Mr. Todd.

**HON. JOHN TODD:**

Mr. Dent has cleared up my misinterpretation of the paper. Thank you.

**CHAIRMAN (Mr. Pudluk):**

To the motion. Mr. Arngna'naaq.

**MR. ARNGNA'NAAQ:**

Thank you, Mr. Chairman. I think that what the committee did was handle a situation with a legislative action paper, which brought in two issues. One, access to information, which I think was very strongly used as an issue by people who campaigned in the west because I did not use access to information as a

campaign issue. In the legislative action paper, we had individuals who made presentations who felt that section of the legislative action paper was too vague, that they did not understand what powers an ombudsman would have, so they were not able to respond properly to this section of the legislative action paper. The committee in turn, in response to the presentations which we heard from individuals, came up with a second recommendation that a second legislative action paper should be produced in order for us to be able to respond to the concerns of the people. We heard very strong opinions on access to information. On the second section of the legislative action paper, we heard there is not as much concern for an ombudsman. With what we heard, this is the recommendation which we came up with. This particular recommendation does not have a time line. This recommendation could be taken on over a period of a number of years. If, at a time in the future, when the government feels that an ombudsman is necessary, then this is a recommendation which the committee has made, that they could use to create a legislative action paper. Thank you, Mr. Chairman.

**CHAIRMAN (Mr. Pudluk):**

Thank you. To the motion. Mr. Gargan.

**MR. GARGAN:**

Thank you, Mr. Chairman. One final comment. The whole purpose of having the access to information first is that the Member can still serve as an ombudsman to enforce this legislation. They are there. We do not know what is going to happen once this comes into force, once the access to information is law. We do not know how much access to information is going to be required. We have to look at the second option. If Members start having demands by their constituents for such information and more information, what happens? Do we still restrict ourselves to enforcing that legislation and not look at the option? We should at least be given the option to look at it.

Many regional groups, the Baffin Regional Council and the Inuit Cultural Institute, were strong supporters of an ombudsman. In fact, they asked for information in that area. Mr. Chairman, the support is there. The only thing is should we be trying to introduce legislation which also includes an ombudsman because we thought the whole purpose of the ombudsman was not only to enforce legislation, but also to look at complaints. We have heard from B.C.

about people who have complaints about social assistance. We heard people who had complaints about why they did not get hired and they thought they should have been hired. It goes beyond acting as an access to information commissioner. We have broadened it so that we look at the possibility of not only this individual enforcing the access to information legislation, but actually being an intervenor between the public and the government, to look at all aspects of complaints. I have no problem in supporting this motion, Mr. Chairman. The motion only says that the government is to look at the second recommendation for the creation of an ombudsman for the Northwest Territories. Part of the ombudsman's job would be to enforce access to information legislation. However, it could be two separate legislations.

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**CHAIRMAN (Mr. Pudluk):**

Thank you. To the motion. Mr. Ningark.

**MR. NINGARK:**

Thank you, Mr. Chairman. Initially, I did not support access to information legislation. The reason being that it was not an issue in three of my communities. After it was introduced in the House and I returned from the session, it became an issue. I was approached by some of my constituents who told me I should support this. Subsequently, the Kitikmeot Regional Council supported the initiative. The ombudsman's office was initially introduced by Mr. Patterson when he was a Cabinet Member. I support both of the motions. Mr. Chairman, we serve in a democracy where the fundamental belief is that the public has the right to know, the public has the right to access to information. I think the public has the right to be represented in an honest way by their MLAs. We have told the public that we would support the initiative. I also travelled with the Standing Committee on Legislation to different communities, every speaker who came forward before our committee supported access to information legislation and an ombudsman's office. We hold that promise which we made to the public and we should support the motion. Therefore, I will be supporting the motion. Thank you.

**CHAIRMAN (Mr. Pudluk):**

Thank you. To the motion. Member for Thebacha.

**MRS. MARIE-JEWELL:**

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

**CHAIRMAN (Mr. Pudluk):**

Mr. Arvaluk.

**MR. ARVALUK:**

I do not want to be misunderstood by not supporting this motion. Having an ombudsman is probably a very good idea. We have been told time and time again that we are in a deficit, a bad situation, there are other programs which are to be funded, and there are cut backs elsewhere. I am thinking about priorities. I do not think this is a priority at this moment in this time of financial restraint. That is why I will not be voting for it. It is not that I do not want an ombudsman, but it is not a priority at the moment. Thank you.

**CHAIRMAN (Mr. Pudluk):**

To the motion. Mr. Antoine.

**MR. ANTOINE:**

Thank you, Mr. Chairman. I will be supporting this motion because it gives direction to develop a paper. It is not for the creation of an ombudsman. It is to create a proposal to look into it. I have a request from my constituents, they have wanted an ombudsman in the past and they still do. Based on that, I will be supporting the motion. Mahsi.

**CHAIRMAN (Mr. Pudluk):**

Thank you. To the motion. Mr. Patterson.

**MR. PATTERSON:**

Thank you, Mr. Chairman. I would like to make a couple of quick comments. I was not recommending that there be a lawyer hired for this position, if such a position is created. In fact, that is what I am afraid of. Having been a lawyer perhaps I know better than most that this might not help meet the real needs that people like Mr. Gargan are concerned about in our communities. I have some real doubts about whether transplanting the Ontario model to the Northwest Territories would work and would serve our needs. I want to assure Mr. Gargan, that if we get to the stage of creating an ombudsman, I hope we will do it differently, I hope we will have a northern solution which will be reflective of the real needs of our people.

Mr. Chairman, I can see there is great support for this motion. I feel, with greatest of respect to the Members of the committee, that my question about why we would do yet another legislative action paper when we have already been considering one, has not yet been answered. I still would like to know why we need to do this all over again. Because I thought there had been a legislative action paper developed on which there was extensive public consultation. I fail to understand why we would want to do it all again and how a new legislative action paper would be different from the previous one which, yes, I had the privilege of tabling in this Legislature in my former life. I am not sure what the new paper would do that the old one would not do, so I am inclined to take the only option which is open to me and at least abstain on this motion because I do not have an explanation of what this paper would do that the previous one did not do. Thank you.

**CHAIRMAN (Mr. Pudluk):**

Thank you. To the motion. Mr. Whitford.

**MR. WHITFORD:**

Thank you, Mr. Chairman. I, too, will be supporting this motion. It is a response to what the committee heard during the community visits. Although there was not a strong suggestion that we establish the ombudsman position as were the comments to establish the right to access bill. Accordingly, we are treating it that way. I think there will be ample time to review the necessity for the establishment of this office or position after we have had a chance to see how the access bill is going to function. I am of the opinion that we have adequate resources in the territories, or capable people who can fill such a position and I am not at all afraid that we would have to go south to find a person to fill this, if and when the government sees fit to establish this position should it be needed in the future. Therefore, I will be urging my colleagues to support, as I will.

**CHAIRMAN (Mr. Pudluk):**

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

**MR. ARNGNA'NAAQ:**

Thank you, Mr. Chairman. I had tried to answer Mr. Patterson's question, but I may not have given enough information. I think if we had restricted our hearings to the west, this second recommendation would have read that an ombudsman not be created.

But because there was such a strong response from the east, from the communities we represented, saying there has to be representation, saying that the people in the east have to have access to information, this is why this recommendation was structured this way, whereby a second legislative action paper be created.

In the report, on page 42, in brief it states what this legislative action paper should focus on. I indicated there were many presentations that indicated it was too vague. On page 42, "The legislative action paper should focus on the powers and jurisdictions of the ombudsman, the mandate of the ombudsman, the origin of complaints and referrals, a model for community access, coordination of the office with the office of the Official Languages Commissioner and/or right to information legislation."

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Again, I would like to say in the east there was very strong support, either for an officer to be created within the access to information legislation, or that an ombudsman office be created, which is why at this point the east and the west could not agree on this particular area. The solution we came up with was to make this recommendation to create a second legislative action paper on the ombudsman.

Again, just to say I think these hearings have been important because if they had been restricted to the west we would not have heard the concerns of the people in the east. Thank you, Mr. Chairman.

**CHAIRMAN (Mr. Pudluk):**

To the motion.

**SOME HON. MEMBERS:**

Question.

**CHAIRMAN (Mr. Pudluk):**

Are you ready for the question? A recorded vote has been requested. Please stand. Those in favour of the motion.

Recorded Vote

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

Mr. Whitford, Mr. Lewis, Mr. Arngna'naaq, Mr. Ningark, Mr. Pudlat, Mr. Dent, Mrs. Marie-Jewell, Mr. Gargan, Mr. Koe, Mr. Antoine.

**CHAIRMAN (Mr. Pudluk):**

Thank you. All those opposed, please stand.

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

Mr. Arvaluk.

**CHAIRMAN (Mr. Pudluk):**

Thank you. Those abstaining, please stand.

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

Mr. Patterson, Mr. Zoe, Mr. Allooloo, Ms. Mike, Mr. Pollard, Ms. Cournoyea, Mr. Kakfwi, Mr. Todd.

**CHAIRMAN (Mr. Pudluk):**

There are ten in favour, one against, and 8 abstaining. The motion is carried.

---Carried

---Applause

Does this committee agree that Committee Report 15-12(3), Report on Tabled Document 33-12(2): Government Accountability: A Legislative Action Paper on Access to Government is concluded?

**SOME HON. MEMBERS:**

Agreed.

---Agreed

**CHAIRMAN (Mr. Pudluk):**

Thank you. What is the wish of the committee? Member for Thebacha.

**MRS. MARIE-JEWELL:**

Mr. Chairman, I would like to move that we report progress. Thank you.

**CHAIRMAN (Mr. Pudluk):**

There is a motion on the floor to report progress. The motion is not debatable. All those in favour? All those opposed? Motion is carried. Thank you.

---Carried

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 Committee Report 15-12(3), Committee Report 17-12(3), Bill 5, Bill 18, Bill 19, Bill 21 and Bill 22, and would like to report progress with three motions being adopted; that Committee Report 15-12(3) and Committee Report 17-12(3) are concluded, that Bill 18, Bill 19, Bill 21 and Bill 22 are ready for third reading, and that Bill 5 is ready for third reading, as amended. Mr. Speaker, I move that the report of the committee of the whole be concurred with.

---Applause

**MR. SPEAKER:**

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

---Carried

Item 20, third reading of bills. Mr. Pollard.

ITEM 20: THIRD READING OF BILLS

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

**HON. JOHN POLLARD:**

Thank you, Mr. Speaker. I move, seconded by the honourable Member for Amittuq, that Bill 17, Appropriation Act, No. 2, 1993-94, be read for the third time. Thank you, Mr. Speaker.

**MR. SPEAKER:**

Mr. Pollard, your motion is in order. To the motion.

**SOME HON. MEMBERS:**

Question.

**MR. SPEAKER:**

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

---Carried



Bill 17 has had third reading. Item 20, third reading of bills. Mr. Pollard.

Bill 20: Loan Authorization Act, 1993-94

**HON. JOHN POLLARD:**

Thank you, Mr. Speaker. I move, seconded by the honourable Member for Baffin Centre, that Bill 20, Loan Authorization Act, 1993-94, be read for the third time. Thank you, Mr. Speaker.

**MR. SPEAKER:**

The motion is in order, Mr. Pollard. To the motion.

**AN HON. MEMBER:**

Question.

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**MR. SPEAKER:**

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

---Carried

Bill 20 has had third reading. Item 20, third reading of bills. Mr. Pollard.

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

**HON. JOHN POLLARD:**

Thank you, Mr. Speaker. I move, seconded by the honourable Member for Sahtu, that Bill 23, Supplementary Appropriation Act, No. 4, 1992-93, be read for the third time. Thank you, Mr. Speaker.

**MR. SPEAKER:**

The motion is in order, Mr. Pollard. To the motion.

**AN HON. MEMBER:**

Question.

**MR. SPEAKER:**

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

---Carried

Bill 23 has had third reading. Item 20, third reading of bills. Mr. Pollard.

Bill 24: Write-off of Debts Act, 1993

**HON. JOHN POLLARD:**

Mr. Speaker, I move, seconded by the honourable Member for Nunakput, that Bill 24, Write-off of Debts Act, 1993, be read for the third time. Thank you, Mr. Speaker.

**MR. SPEAKER:**

Mr. Pollard, 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

Bill 24 has had third reading. I have been informed that his Honour, the Commissioner of the Northwest Territories is prepared to assent to bills, Mr. Clerk. Would you ascertain if the Commissioner is prepared to enter the chamber and assent to bills?

ASSENT TO BILLS

**COMMISSIONER NORRIS:**

Mr. Speaker and Members of the Legislative Assembly, as Commissioner of the Northwest Territories I hereby assent to Bill 6, An Act to Amend the Commercial Tenancies Act, Bill 11, An Act to Amend the Legislative Assembly and Executive Council Act, Bill 12, An Act to Amend the Mental Health Act, Bill 16, Norman Wells Natural Gas Distribution System Act, Bill 17, Appropriation Act, No. 2, 1993-94, Bill 20, Loan Authorization Act, 1993-94, Bill 23, Supplementary Appropriation Act, No. 4, 1992-93 and Bill 24, Write-off of Debts Act, 1993. Thank you.

---Applause

**MR. SPEAKER:**

Please be seated. 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 Management and Services Board after adjournment this evening. Meetings for tomorrow at 8:00 am of the Standing Committee on Finance, at 10:30 am of the Ordinary Members' Caucus and at 12:00 noon of the Standing Committee on Agencies, Boards and Commissions. Orders of the day for Thursday, April 1, 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
  - Motion 30-12(3), Proposed Amendment to Partnership Act Referred to the Standing Committee on Legislation
16. First Reading of Bills
17. Second Reading of Bills
  - Bill 8, Payroll Tax Act
  - Bill 26, An Act to Amend the Income Tax Act, No. 2
  - Bill 27, Payroll Tax Act, 1993

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

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

- Bill 25, Supplementary Appropriation Act, No. 1, 1993-94

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

- Committee Report 19-12(3), Report on the Revision of the Rules

19. Report of Committee of the Whole

20. Third Reading of Bills

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

- Bill 18, An Act to Amend the Public Printing Act

- Bill 19, An Act to Amend the Student Financial Assistance Act

- Bill 21, An Act to Amend the Reciprocal Enforcement of Judgments Act

- Bill 22, An Act to Amend the Mining Safety Act

21. Orders of the Day

**MR. SPEAKER:**

Thank you, Mr. Clerk. This House stands adjourned until Thursday, April 1, 1993, at 1:30 pm.

---ADJOURNMENT