



**NORTHWEST TERRITORIES
LEGISLATIVE ASSEMBLY**

6th Session

Day 3

12th Assembly

HANSARD

WEDNESDAY, OCTOBER 5, 1994

Pagination reflects print edition

Speaker: The Hon. Jeannie Marie-Jewell

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MEMBERS PRESENT

Mr. Allooloo, Mr. Antoine, Hon. Silas Arngna'naaq, Mr. Ballantyne, Hon. Nellie Cournoyea, Mr. Dent, Mr. Gargan, Hon. Stephen Kakfwi, Mr. Koe, Mr. Lewis, Hon. Jeannie Marie-Jewell, Hon. Rebecca Mike, Hon. Don Morin, Hon. Richard Nerysoo, Mr. Ng, Mr. Ningark, Mr. Patterson, Hon. John Pollard, Mr. Pudlat, Mr. Whitford, Mr. Zoe

ITEM 1: PRAYER

---Prayer

MADAM SPEAKER (Hon. Jeannie Marie-Jewell):

I want to welcome Members back for the reconvening of the Sixth Session. I trust that you've all had an enjoyable summer and were able to spend some valuable time with your families. I want to thank the Members for the amount of work you have done during the past several months on our standing committees which have met in communities all across the north.

I was honoured to welcome Queen Elizabeth and His Royal Highness Prince Philip to this chamber on August 21st. It was my understanding that their visit to Yellowknife, Rankin Inlet and Iqaluit was well received and much appreciated by northerners. Her Majesty has advised me that her visit to the territories, only the second time she has been here, was a thoroughly enjoyable experience.

Members, as you know, this is the final day of service for our Commissioner, Mr. Norris, who has served the people of the north faithfully for the past 5 years. I hope you will join me in wishing him, his wife Margaret and their family, all the very best in the coming years.

---Applause

At this time, I would like to recognize the acting Commissioner, Mrs. Helen Maksagak, in the Speaker's gallery.

---Applause

She is accompanied by her husband, Mr. Maksagak. Welcome to our Assembly. I hope Members will join me in expressing gratitude to a former staff member.

After five years of service as our Clerk Assistant, Rhoda Perkison, has decided to return with her family to her original home in Baker Lake. We wish her well and thank her for her years of service.

---Applause

Members will note that they have a new Sergeant-at-Arms, Robert Atkinson. He has taken over for Martin Vickers, who we thank for the service he provided since we moved to our new building.

---Applause

I am pleased to advise Members that I, along with the honourable Member for Mackenzie Delta, officially launched the Legislative Assembly's education program last month. As part of our responsibility to involve all sectors of society in our unique form of government, this education program will be taught in grades six, seven and eight in all schools of the Northwest Territories.

Members are aware that for the first time, this session is being aired live on northern television. I hope this will allow viewers yet another opportunity to see how their elected representatives carry out business on their behalf.

I want to conclude my remarks by paying tribute to the many noted elders who passed away during the past several months. Without naming any of them specifically, I am sure Members and others will appreciate the legacy of wisdom they have left behind.

There is still a great deal to accomplish as we move into the final year of the life of the 12th Assembly and I wish for all Members an enjoyable and productive Assembly. Thank you. Item 2, Ministers' Statements. Madam Premier.

ITEM 2: MINISTERS' STATEMENTS

Minister's Statement 11-12(6): Return To Session

HON. NELLIE COURNOYEA:

Thank you, Madam Speaker. I would like to take this opportunity to welcome Members back to the Sixth Session of the Legislative Assembly. I know it was a busy summer for Cabinet and also for committees of this House. Madam Speaker, the \$10.8 million federal/territorial infrastructure program was finalized and is being implemented. An \$8 million investing in people initiative was signed with the Secretary of

State to provide social assistance recipients with specialized counselling, career and employment development, life skills and education opportunities.

As well, a public review of the Liquor Act has been conducted and a legislative action paper is being prepared. In response to the Special Committee on Health and Social Services, the consolidation of the two departments of Health and Social Services is well under way and is reflected in the capital budget. The Minister of Energy, Mines and Petroleum Resources is working towards finalizing a northern consensus on the energy and minerals accord.

In addition, an ambitious committee schedule during the summer months has placed us in good position to consider the capital estimates for 1995-96 and the Standing Committee on Legislation was particularly

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helpful in its review of bills to be presented to this House.

Madam Speaker, while considerable progress has been made during the term of this Assembly, there are still many challenges to be met. We are at a crossroads and our ability to continue making progress will largely depend on maintaining our fiscal integrity and on the development of a common vision shared by the federal and territorial governments, aboriginal organizations and residents of the Northwest Territories. As you know, an enormous agenda for political and constitutional change involving a large number of groups with different objectives is being discussed and negotiated in the Northwest Territories. The challenges relating to constitutional reform are difficult and require a climate of financial stability and common purpose.

As it heads into its final year of office, the government is particularly anxious to introduce some certainty into the complex issues relating to the financing of division, development of a new western constitution, the settlement of land claims and implementation and negotiation of aboriginal self-government. We are also concerned that various federal government statements regarding self-government and treaty land entitlement in the western NWT have meant different things to different people and are creating a wide range of expectations. We need a greater degree of clarity and certainty about these matters.

The need for Ottawa to explain its position on a number of matters within the context of today's fiscal

reality was discussed during our last strategic planning workshop in Fort Smith. Since that time, I've had an opportunity to present our concerns in separate meetings with Prime Minister Chretien and Indian Affairs and Northern Development Minister, Mr. Irwin. As a result of these discussions, Mr. Irwin has indicated that he would be willing to make a statement to the Legislative Assembly that would set out broad principles and provide clarification of federal policies as they relate to public and aboriginal government in the Northwest Territories, to devolution and the federal government's commitment to division.

At the appropriate time, the Minister of Intergovernmental and Aboriginal Affairs will be presenting a motion which seeks the necessary approval to have Mr. Irwin address the Assembly during the current session. Madam Speaker, it is important to seek clarification of federal positions, as we move towards development of a constitution for the western territory and the formation of Nunavut by 1999.

The need for a common vision and realistic expectations is extremely important, particularly because of federal program and budget reductions. Signals from Ottawa concerning Finance Minister Paul Martin's economic statement, scheduled for mid-October, leaves us to believe that there will be more cuts in federal spending and transfer payments, and that the Northwest Territories will not be able to escape that impact.

As you know, we have already lost nearly \$550 million in federal money because of changes made by Ottawa, when it introduced our current five-year formula financing agreement. That number doesn't include over \$45 million that was cut in the area of new social housing, the money owed to us under the health billings dispute and the potential of a 38 per cent reduction in the level of federal funding for French and aboriginal language services in the territories.

This will amount to a loss of over \$10 million during the next three-year period, if we are not able to persuade Ottawa to restore its contribution to at least the 1993-94 levels. There will have to be significant cuts to existing language programs. Discussions are continuing on this matter and I intend to keep the Assembly and various language interest groups briefed on developments. The Honourable John Pollard will have more to say on the state of the federal/territorial fiscal situation when he presents an

economic overview and the government's capital estimates on Friday.

In addition, the Honourable Richard Nerysoo will be providing the House with an analysis of the federal government's proposals of reforming national social programs. The Minister is currently developing our own program of change and will be consulting with his federal counterparts on the impact of the federal proposals on our social income reform initiatives.

In conclusion, it is appropriate at this time to recognize the work of Mr. Daniel Norris, who has served as Commissioner of the Northwest Territories since October of 1989. Mr. Norris considered himself honoured to have been chosen to serve in this capacity and was particularly proud to be the first Commissioner chosen from the aboriginal people of the north.

On behalf of the residents of the Northwest Territories, I want to take this opportunity to thank him for taking on this responsibility and to invite Members to join me in recognizing his years of dedicated effort and service.

---Applause

Madam Speaker, the appreciation of Members should also be extended to the committee Members and hundreds of volunteers in Yellowknife, Rankin and Iqaluit, who organized this summer's visit of the Queen and Prince Philip. Without their assistance, the royal visit would not have been the success it was. On this note, thank you, Madam Speaker.

---Applause

MADAM SPEAKER:

Thank you. Item 2, Ministers' statements. The Honourable Rebecca Mike.

Minister's Statement 12-12(6): Meeting With Editor

HON. REBECCA MIKE:

(Translation) Thank you, Madam Speaker. I want to take this opportunity to apologize for any embarrassment a recent editorial in Nunatsiaq News may have caused the government, my colleagues and Members of this Assembly.

I want to assure Members that my remarks during a dinner with news editor, Todd Phillips, and Iqaluit businessman, Jim Currie, were not intended as a

threat, implied or otherwise, that I agree with the principles of free press and that it was wrong of me to suggest that I felt like withholding advertising from the newspaper.

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It is regrettable that the full context of my comments and my offer of cooperation in helping the editor of the newspaper communicate with my office was not reported. Later today, I will be tabling a letter relating to this matter that was sent to the publisher of Nunatsiaq News by Mr. Currie. Thank you, Madam Speaker.

MADAM SPEAKER:

Thank you. Item 2, Ministers' statements. Madam Premier.

Minister's Statement 13-12(6): Minister Absent From The House

HON. NELLIE COURNOYEA:

Madam Speaker, I wish to advise Members of the House that the Honourable John Todd will be absent from the House today to attend a meeting with the Council of Transportation Ministers, to discuss the national highways policy. Thank you, Madam Speaker.

MADAM SPEAKER:

Thank you. Item 2, Ministers' statements. The Honourable Member for Hay River, Mr. Pollard.

Minister's Statement 14-12(6): Budget Address

HON. JOHN POLLARD:

Thank you, Madam Speaker, good afternoon. Madam Speaker, I give notice that on Friday, October 7, 1994, I will deliver the capital budget address. Thank you, Madam Speaker.

MADAM SPEAKER:

Thank you. Item 2, Ministers' statements. Item 3, Members' statements. Member for Yellowknife Frame Lake, Mr. Dent.

Motion To Move Minister's Statement 11-12(6): To Committee Of The Whole, Carried

MR. DENT:

Madam Speaker, with permission, I would like to make a motion to move the Premier's return to session statement into committee of the whole. Therefore, Madam Premier, I move, seconded by the Member for Natilikmiot, that Minister's Statement 11-12(6) be moved into committee of the whole.

MADAM SPEAKER:

Thank you. The motion is in order.

AN HON. MEMBER:

Question.

MADAM SPEAKER:

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

---Carried

Item 3, Members' statements. The honourable Member for Inuvik, Mr. Koe.

ITEM 3: MEMBERS' STATEMENTS

Member's Statement On Inuvik's Bid To Host 1998 Arctic Winter Games

MR. KOE:

Mahsi, Madam Speaker. Madam Speaker, on September 26th and September 27th there was a significant happening in Inuvik, where the town of Inuvik, its residents and people from the surrounding communities, the Beaufort and the Mackenzie Delta communities, had the opportunity to put its best foot forward and put on a show to impress the people from the Arctic Winter Games international committee, who visited the town to look at the facilities, the town itself, and assess the capabilities of the region to host the 1998 Arctic Winter Games. The town, residents and visitors from the surrounding communities did a bang-up job. There was enthusiasm, great spirit...

---Applause

...and many, many people at all the events, including the parades, the demonstration of Arctic sports, the community feast - we had over 1,000 at the school -- and it was very impressive. Most of the members on the bid committee from Inuvik were also very impressed with the turnout. So on your desk, we have a little memento from Inuvik called, "Together We Can Make It Happen." It is the logo for the 1998

Arctic Winter Games. I urge you all to support Inuvik in its bid to host the games. Mahsi.

---Applause

MADAM SPEAKER:

Thank you. Item 3, Members' statements. The honourable Member for Kitikmeot, Mr. Ng.

Member's Statement On Outbreak Of Suicide Attempts In Coppermine

MR. NG:

Thank you, Madam Speaker. Today I am going to speak on a very sensitive issue, one which we are all aware of, yet rarely discuss; suicide. My decision to speak on this issue is made after careful consultation with many of my constituents, as it has directly affected them in recent weeks past. Residents of Coppermine have been undergoing particularly difficult and emotional times. Within the past three weeks, there has been a series of successful and unsuccessful suicide attempts by youth in the community.

Madam Speaker, my constituents and I are unaware of the reasons for this sudden outbreak of suicide attempts. We can only speculate on the reasons, as only the individuals attempting to take their own lives know or can give indications as to what issues caused them to take such drastic action. For two individuals, we will never know, as tragically their suicide attempts were successful.

Madam Speaker, the residents of Coppermine are requesting assistance before there are any escalations in suicide attempts. I call upon our government to immediately place a suicide specialist and other related support services into Coppermine to address and assist the community in dealing with the recent outbreak of suicide attempts. Mahsi.

MADAM SPEAKER:

Thank you. Item 3, Members' statements. The honourable Member for Yellowknife Centre, Mr. Lewis.

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Member's Statement On Collective Bargaining Negotiations With UNW

MR. LEWIS:

Thank you, Madam Speaker. On September 15th, Madam Speaker, I attended a meeting held by the Union of Northern Workers for its membership, at the Yellowknife Inn. The subject, of course, was the upcoming collective bargaining which is due to begin on the 19th.

The Yellowknife MLAs were invited to get support for allowing this process to continue according to the tradition of collective bargaining. I've had many letters from my constituents, Madam Speaker, suggesting that the government may once more attempt to legislate a contract or legislate conditions of work. Previously, in this House, I stood and said I would not support legislation of this kind. So I'm standing today to tell my constituents, since many of them have written -- some of the signatures are not legible, some of the addresses are not quite clear -- that my position has not changed and I will not support legislation, and we should -- other Members, too -- allow the collective bargaining process to continue in the way it was intended.

---Applause

MADAM SPEAKER:

Thank you. Item 3, Members' statements. The honourable Member for Natilikmiot, Mr. Ningark.

Member's Statement On Absence Of Mr. Arvaluk

MR. NINGARK:

Thank you, Madam Speaker. I would like to inform this House, as the chairperson of the Ordinary Members' Caucus, that the MLA for Aivilik, Mr. James Arvaluk, will not be in the House until Thursday, October 6, 1994. Mr. Arvaluk had to return to Coral Harbour to deal with an urgent constituency matter. Thank you.

MADAM SPEAKER:

Item 3, Members' statements. The honourable Member for Iqaluit, Mr. Patterson.

Member's Statement On Iqaluit Municipal Election

MR. PATTERSON:

Thank you, Madam Speaker. Madam Speaker, I am delighted to rise today to hail the restoration of democracy in Iqaluit.

---Applause

Hallelujah!

I wish to give my warmest congratulations to the new mayor of Iqaluit, Mr. Joe Adla Kunuk.

Mr. Kunuk's election as mayor is particularly noteworthy because he is the first Inuk mayor of Iqaluit since Mr. Joe Tikivik was mayor in the early 1970s.

---Applause

Congratulations, Joe Kunuk.

The new councillors are, in order of votes obtained: Mr. Ben Ell; Ms. Natsiq Kango; Mr. Jimmy "Flash" Kilabuk; Mr. Abe Okpik; Mr. Tom Demcheson; Mr. Bryan Hellwig; Mr. Kenn Harper; and, Mr. Geosah Uniuqsaraq.

I would like to thank the hard-working members of the municipal advisory committee which was ably co-chaired by Anne Crawford and Bob Hanson; Mr. Mike Ferris, municipal administrator; and, Mr. Bill Collings, acting senior administration officer.

The Big Mac, as it was called, accomplished a great deal under difficult circumstances, including the resolution of the residential lot land crisis we faced earlier this summer. They were ably supported by Mr. Ferris and Mr. Collings.

I would like to thank the former Minister of MACA, the Honourable Silas Arngna'naaq, for meeting with the community and the municipal advisory committee, in April, while he was Minister, and for making some critical decisions at that time, including agreeing to call the election September 27, 1994.

I would also like to thank the present Minister of Municipal and Community Affairs, the Honourable Rebecca Mike, for being present in Iqaluit on election night to welcome the new mayor and council, and for her public pledge of continued, ongoing support from her department. May I say to Ms. Mike, if she would ever like advice from me about which one of my constituents she should or should not have dinner with, I would be pleased to give it any time. Thank you.

---Laughter

MADAM SPEAKER:

Thank you. Item 3, Members' statements. The honourable Member for Deh Cho, Mr. Gargan.

Member's Statement On London Times Article Re Queen's Visit

MR. GARGAN:

Thank you, Madam Speaker. Madam Speaker, I, along with everyone else, read with amusement the accounts of the Queen's visit as it appeared in the Times of London.

Madam Speaker, I have not read such creative fiction since the guy who wrote the book on Cosmos 954, described the present area where this Assembly site is as frozen tundra that you could see from the sixth floor of the Explorer Hotel.

Madam Speaker, as a politician, I understand that the media will sometimes dwell on the negative and sensational aspect of the story or events in an attempt to impress and startle their readers. However, Madam Speaker, to dwell on the negative aspect of life in the Northwest Territories with no mention of progress that has been made and the progress that is being planned for our children and our children's children, makes light of all of the work being done by the government and the native organizations, such as the Dene Cultural Institute.

Madam Speaker, as a member of one of the various ethnic groups who, as you can see occasionally, wears colourful traditional clothing, I must state for the record, that to my knowledge and that of my colleagues in this House, and my contacts in private life, there is no way that any native organization was involved with the bomb threats made against the Queen. We are proud people, Madam Speaker, and as such have started to negotiate from a position

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of strength, our future role in confederation and indeed the commonwealth. We need no bombs to get our points across.

In conclusion, Madam Speaker, I would like to point out to the readers of the London Times that ours is a territory that is indeed filled with challenges and hard decisions for years to come, but we are working on it. The beauty of the land and the people can far outweigh the social problems we are presently experiencing. Come and see it for yourself. Thank you, Madam Speaker.

---Applause

MADAM SPEAKER:

Thank you. Item 3, Members' statements. The honourable Member for Yellowknife South, Mr. Whitford.

Member's Statement On Congratulating Organizers Of Queen's Visit

MR. WHITFORD:

Thank you, Madam Speaker. Madam Speaker, this may be an appropriate time for me to express the pleasure and honour that our city of Yellowknife had in welcoming the royal couple this summer. You are well aware of all the events that took place in the city, and I only wish that the royal couple were able to go to more communities in the territories. But, failing that, people did come from all over the territories to be here and to participate in the excitement and the fond memories that this royal visit created will last a very, very long time.

I wish to use this opportunity, as well, Madam Speaker, to compliment the organizers of this event, the countless volunteers and the entertainers for a job well done. Some of them, I note, are here in the gallery today.

Personally, my wife and I had the pleasure of meeting Her Majesty on two separate occasions. We found them to be very warm people, very personable people. They talked quite a lot with folks from Yellowknife about family and day-to-day things, as well, Madam Speaker. I'm sure that the comments that her majesty made when she shook hands with me at the airport, "Thank you very much for the wonderful time" is a reflection of her feelings to the people across the north.

MADAM SPEAKER:

Thank you. Item 3, Members' statements. The honourable Member for Baffin South, Mr. Pudlat.

Member's Statement Re Appreciation Of Constituents

MR. PUDLAT:

(Translation) Thank you, Madam Speaker. I would like to thank all the Members here, especially my constituents, I especially wish to thank them for giving me support for the responsibilities I have. Tima, Madam Speaker, you will have to put on your listening device as I will be talking in my language. I'll be getting assistance from the interpreters. We have a heavy workload in front of us. I just wanted to make a

brief statement. I wanted to thank my constituents. Thank you, Madam Speaker.

---Applause

MADAM SPEAKER:

Thank you. Item 3, Members' statements. The honourable Member for Nahendeh, Mr. Antoine.

Member's Statement Re Sessional Workload

MR. ANTOINE:

(Translation) Thank you, Madam Speaker. Now that the Legislative Assembly has started...From the previous time we had met and then we had the whole summer, I have worked on a lot of things and I'm sure all the MLAs had a busy summer, too.

This summer we had a lot of forest fires. A lot of work was done trying to put out fires. Now that we have started, I think we have about two months to sit here. There are some things I want to bring up, but I will bring them up later. I'd just like to welcome everybody back. Thank you.

---Applause

MADAM SPEAKER:

Thank you. Item 3, Members' statements. The honourable Member for Amittuq, Mr. Allooloo.

Member's Statement On North Baffin Resident's Boat Trip To Greenland

MR. ALLOOLOO:

Thank you, Madam Speaker. Last summer, an historical occasion happened in my constituency that not too many people know about in the Northwest Territories. A constituent of mine started out from Pond Inlet to go to Greenland by boat. He was successful and came back to Pond Inlet, as was traditionally done. I believe the last one that took place by dogteam and canoe was in the early 1800s.

As you know, Madam Speaker, the north Baffin people have distant relatives in Greenland, and that enforces the strength shown by my constituents and I was really proud of that.

Madam Speaker, as you know, my language is an international language. I can communicate with Greenlanders, Labrador and to some extent the

Alaskans and Soviet Inuit. In that, we would like to show, as north Baffin people, that we are an international community and as such, we take care of the environment. Thank you.

---Applause

MADAM SPEAKER:

Thank you. Item 3, Members' statements. The honourable Member for North Slave, Mr. Zoe.

Member's Statement Re Passing Of Charlie Charlo

MR. ZOE:

Mahsi, Madam Speaker. I rise today to pay my respect to an important member of the Dogrib Nation who passed away recently. Madam Speaker, Charlie Charlo passed away on October 1st after a nine-month battle with cancer. He had just turned 50 years old when he passed away. He was born in Rae on September 25, 1944. He was the son of the late Alexis Charlo and Elizabeth Megwi.

Madam Speaker, Charlie attended school in Rae-Edzo in his early childhood. He continued on with his schooling at Grandin College in Fort Smith where he completed his grade 12. After returning home, Madam Speaker, Charlie became deeply involved

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in the community of Rae-Edzo. He did many things for the community in order for it to be a better place to live and also to provide more opportunities for the young people in that community.

In 1976, Madam Speaker, Charlie was elected chief of the Rae Dene Band. Under his leadership, Rae grew with new housing and also with the new Nishi-Khon complex and the Dene store.

Madam Speaker, he was the force behind getting economic development and also in creating the development corporation and forestry services in that community. Charlie also became Rae's first mayor and spent the next ten years serving in that capacity for the community of Rae-Edzo.

Madam Speaker, Charlie was the kind of person you could always go to and talk to. He always had time to listen to you. Above all, Charlie was a visionary person who worked very hard to create new opportunities for the people of Rae and also the region.

We will miss Charlie very much. His passing is a big loss to the Dogrib people. My deep condolences go to his wife Lena and his children Myles, Charlette and Cheryl and also to his extended family. Mahsi.

MADAM SPEAKER:

Thank you. Item 4, returns to oral questions. Minister of Renewable Resources, Mr. Arngna'naaq.

ITEM 4: RETURNS TO ORAL QUESTIONS

Return To Question 41-12(6): Commercial Caribou Harvest

HON. SILAS ARNGNA'NAAQ:

Thank you, Madam Speaker. I have three returns. The first one is from April 7th asked by Mr. Dent regarding commercial caribou harvest. I believe the honourable Member has been provided with the information he requested on the commercial caribou harvest conducted in the North Slave in March, 1994.

Return To Question 29-12(6): Method Of Informing Public Of Hunting Seasons

The second response, Madam Speaker, if I may, was to a question asked by Mr. Ng on April 7, 1994 on the method of informing the public of hunting seasons. The Department of Renewable Resources uses several methods to make the public aware of hunting regulations. Each year, the Department of Renewable Resources prepares a summary of hunting regulations. These are provided to each person who applies for a resident or non-resident hunting licence. The Department of Renewable Resources consults with local and regional hunters' and trappers' associations on any changes to hunting regulations and advises hunters of changes at meetings of HTAs. This consultation on regulation changes is a requirement within the completed land claim agreements.

Further Return To Question 40-12(6): Investigation Into Hunting Charge In Coppermine

My third return to oral question was asked by Mr. Ng on April 7, 1994 on the investigation on hunting charge in Coppermine. The Department of Renewable Resources will place notices in public places in communities where there are changes to hunting regulations that may affect general hunting licence holders, with specific reference to the payment for wolverine carcasses. The notice was revised in September, 1993 and now states

"Renewable Resources would like to buy the carcasses from all the wolverine you take during the hunting season". I believe these changes will prevent any confusion in the future. Thank you, Madam Speaker.

---Applause

MADAM SPEAKER:

Thank you. Item 4, returns to oral questions. Item 5, oral questions. The

honourable Member for Inuvik, Mr. Koe.

ITEM 5: ORAL QUESTIONS

Question 46-12(6): Consolidation Of Departments Of Health And Social Services

MR. KOE:

Mahsi, Madam Speaker. Madam Speaker, in the Premier's statement, Return to Session, she stated that the consolidation of the departments of Health and Social Services is well under way. My question to the Premier -- who is also the Minister of Health and Social Services -- is what is being done to consolidate the two departments?

MADAM SPEAKER:

Thank you. Madam Premier.

Return To Question 46-12(6): Consolidation Of Departments Of Health And Social Services

HON. NELLIE COURNOYEA:

Madam Speaker, as the Member is aware, there have been management functions in the head office in Social Services, as well as management and support in Health. Those two areas are being consolidated so that we have one internal management support organization to serve both Health and Social Services. As well, to reflect that initiative, the realignment of one deputy minister of Health and Social Services has been put in place and there has been consolidation in other areas. The requirements at the directorship level have been reviewed and have been rationalized. Thank you.

MADAM SPEAKER:

Thank you. Supplementary, Mr. Koe.

Supplementary To Question 46-12(6): Consolidation Of Departments Of Health And Social Services

MR. KOE:

Mahsi, Madam Speaker. Both departments are very large and are located in all our regions and in most of the communities. I'm just wondering what time frame the Minister is looking at for achieving this consolidation at headquarters, in the regions and in the communities.

MADAM SPEAKER:

Thank you. Madam Premier.

Further Return To Question 46-12(6): Consolidation Of Departments Of Health And Social Services

HON. NELLIE COURNOYEA:

Madam Speaker, this consolidation will be reflected in the present capital budget, and the other changes in operations and maintenance will be reflected in the April 1, 1995 budget. Thank you.

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MADAM SPEAKER:

Thank you. Supplementary, Mr. Koe.

Supplementary To Question 46-12(6): Consolidation Of Departments Of Health And Social Services

MR. KOE:

I know there have to be budget preparations, but what time frame are you looking at for having these consolidations done? Is it October 1st, November 1st, or March 31, 1995? What time frame are you looking at for achieving this consolidation?

MADAM SPEAKER:

Thank you. Madam Premier.

Further Return To Question 46-12(6): Consolidation Of Departments Of Health And Social Services

HON. NELLIE COURNOYEA:

Madam Speaker, the planned schedule for regional consolidation is April 1, 1995. One manager in each region will be responsible for the delivery of all health and social services. The complete consolidation and

integration of services is planned for April 1, 1996. Thank you.

MADAM SPEAKER:

Thank you. Final supplementary, Mr. Koe.

Supplementary To Question 46-12(6): Consolidation Of Departments Of Health And Social Services

MR. KOE:

Mahsi, Madam Speaker. There is going to be a big impact on our communities and regions and there are staff in many of these places. I'm just wondering what type of consultation the department is doing to involve the people in the communities in this consolidation.

MADAM SPEAKER:

Thank you. Madam Premier.

Further Return To Question 46-12(6): Consolidation Of Departments Of Health And Social Services

HON. NELLIE COURNOYEA:

Madam Speaker, in terms of the regional consolidation, the new deputy minister of Health and Social Services, Mr. Lovely, has been to all regions to begin discussions with staff and with organizations that would be affected by the consolidation. As well, I have personally attended various meetings that I have been invited to, to start discussions on what things have to be done and what type of work has to be communicated to the people presently working in the two departments.

Consultation and communication has begun. There has been at least one visit to each region and each regional grouping. We have also consulted with workers at the primary level. This will continue in order to make the turnover as positive as possible.

We know that the regions and the communities will both be affected by the change. Therefore, there is quite a hectic schedule to make sure we deal directly with those who are going to be affected. Thank you.

MADAM SPEAKER:

Thank you. Item 5, oral questions. The honourable Member for Nahendeh, Mr. Antoine.

Question 47-12(6): Consolidation Of H&SS In Nahendeh And Deh Cho Regions

MR. ANTOINE:

Mahsi, Madam Speaker. My question is for the Minister responsible for Health and Social Services in regards to the consolidation of the two departments. I would like to know, Madam Speaker, what the department is doing in the Nahendeh constituency where we don't have many boards at all. The Mackenzie Regional Health Board was looking after my constituency as well as other constituencies in the south Slave. What is going on with consolidation in this area? Mahsi.

MADAM SPEAKER:

Thank you. Minister of Health and Social Services, Madam Premier.

Return To Question 47-12(6): Consolidation Of H&SS In Nahendeh And Deh Cho Regions

HON. NELLIE COURNOYEA:

Madam Speaker, as the Member is aware, there was a meeting held with representatives from those two areas about the next step they would want to take in looking at a board structure. Subsequently, I dealt with the representatives in the different regions about how to take the next steps. Those representatives were supposed to reply to myself or the department so that we can look at what has been done up to this time and to see if they've digested the information and the options that were put to them so that we could make some changes, whether it is the formation of a full-blown board or to continue more support services in the regions. I am still awaiting our next consultation to deal with that. Thank you.

MADAM SPEAKER:

Thank you. Supplementary, Mr. Antoine.

Supplementary To Question 47-12(6): Consolidation Of H&SS In Nahendeh And Deh Cho Regions

MR. ANTOINE:

Thank you, Madam Speaker. I would like to ask the Minister a supplementary question about the Mackenzie Regional Health Board, which is located in Yellowknife. Are there plans to move some of the positions of the Mackenzie Regional Health Board to the communities, in Fort Simpson, for example, or Rae? Are there plans of this nature? Thank you.

MADAM SPEAKER:

Thank you. Madam Premier.

Further Return To Question 47-12(6): Consolidation Of H&SS In Nahendeh And Deh Cho Regions

HON. NELLIE COURNOYEA:

Madam Speaker, that issue has been discussed and that is part of the reorganization. Thank you.

MADAM SPEAKER:

Thank you. Item 5, oral questions. The honourable Member for Kitikmeot, Mr. Ng.

Question 48-12(6): Rash Of Suicide Attempts In Coppermine

MR. NG:

Thank you, Madam Speaker. Earlier in my Member's statement, I spoke on the issue of suicides. My question is for the Minister of Health and Social Services. I would like to ask the Minister if she's

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aware of the recent increase of suicide attempts in the community of Coppermine? Thank you.

MADAM SPEAKER:

Thank you. Minister of Health and Social Services, Madam Premier.

Return To Question 48-12(6): Rash Of Suicide Attempts In Coppermine

HON. NELLIE COURNOYEA:

Madam Speaker, yes, I am aware of the incidents in Coppermine as well as a number of incidents in other Members' constituencies. I concur with the Member in relationship to his original statement. In our attempt to rationalize needs and requirements in the communities, one of the areas that I am trying to address is what type of people are needed in the communities, what type of support and where are they best deployed. We are trying to address that matter. Presently, there are many positions and programs out there now that are probably not serving their original purpose, although they may originally have been relevant.

I know communities are suggesting that a different type of support be provided to the communities. In relationship to suicide prevention and mental health, I

believe we can refocus on these two areas rather than continuing the redundant programs we are providing right now. Thank you.

MADAM SPEAKER:

Thank you. Supplementary, Mr. Ng.

Supplementary To Question 48-12(6): Rash Of Suicide Attempts In Coppermine

MR. NG:

Thank you, Madam Speaker. I would like to ask the Minister when her department will address the issue of increased suicide attempts, not only in Coppermine but in other communities as well?

MADAM SPEAKER:

Thank you. Madam Premier.

Further Return To Question 48-12(6): Rash Of Suicide Attempts In Coppermine

HON. NELLIE COURNOYEA:

Madam Speaker, I believe this is one of the areas we did not discuss at the recent meeting with the health care givers that was held in Cambridge Bay a couple of days ago. While the issue is being dealt with at the regional level in the Inuvik area, I believe that some of the initiatives they have taken in terms of redeploying person years or help to communities, in support of mental health, are some of the areas I would like to discuss with the region.

However, I have asked the department to pay some immediate attention to Coppermine and their requirements because there was an incident. We look at that on an interim basis, but in overall planning, we have to look at where we are providing services and what kind. I suggested to the regional group that if they want meetings, it would have to be over the weekend. They are looking at when we can have this discussion. I would like to have some opinion as to what can be redirected for suicide and mental health. I would like to have that discussion with the communities involved, because it appears to me there are different ways people want to handle these issues from region to region and community to community. Thank you.

MADAM SPEAKER:

Thank you. Supplementary, Mr. Ng.

Supplementary To Question 48-12(6): Rash Of Suicide Attempts In Coppermine

MR. NG:

Thank you, Madam Speaker. I would like to ask the Minister what type of resources are currently available in the department to address suicide prevention in the Northwest Territories.

MADAM SPEAKER:

Thank you. Madam Premier.

Further Return To Question 48-12(6): Rash Of Suicide Attempts In Coppermine

HON. NELLIE COURNOYEA:

Madam Speaker, we have specialists in suicide or the allocation of funds, which with the former Minister, were recently allocated to the regions. As well, under the Department of Social Services, not only are there social workers, but there are mental health workers available. I can't tell you exactly what is available in Coppermine. I will provide that information, as well as what the department is planning to do as an interim measure for that community. Thank you.

MADAM SPEAKER:

Thank you. Item 5, oral questions. The honourable Member for Yellowknife Centre, Mr. Lewis.

Question 49-12(6): Privatization Of NWT Power Corporation

MR. LEWIS:

Thank you, Madam Speaker. My question is to the Premier. It has been six months since we sat in formal session. Over the past six months, we were made to understand that she would be consulting with various groups throughout the territories, who may be interested in gaining equity through the privatization of the Power Corporation. I would like to ask the Premier if she could give us an update on who she has met with over the last six months, not all the details, but give us some examples of what the progress has been.

MADAM SPEAKER:

Thank you. Minister responsible for the Power Corporation, Madam Premier.

Return To Question 49-12(6): Privatization Of NWT Power Corporation

HON. NELLIE COURNOYEA:

Madam Speaker, there isn't one particular aboriginal organization that I haven't met with. In a number of the regional meetings that I have attended, this topic has come up for discussion. In terms of all the organizations, they have all been present in one discussion or the other. Thank you.

MADAM SPEAKER:

Thank you. Supplementary, Mr. Lewis.

Supplementary To Question 49-12(6): Privatization Of NWT Power Corporation

MR. LEWIS:

Thank you, Madam Speaker. In meeting with the various groups, whether they be aboriginal organizations or not, in an attempt to find whether there is interest of these groups in purchasing some equity in the Power Corporation, if it were to be

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privatized, what kind of financial arrangements are being discussed?

MADAM SPEAKER:

Thank you. Madam Premier.

Further Return To Question 49-12(6): Privatization Of NWT Power Corporation

HON. NELLIE COURNOYEA:

Madam Speaker, all the discussions and the issue of the presentation on my part was based on the Abbott report that was tabled in the Legislative Assembly. Thank you.

MADAM SPEAKER:

Thank you. Supplementary, Mr. Lewis.

Supplementary To Question 49-12(6): Privatization Of NWT Power Corporation

MR. LEWIS:

In the case of those organizations that have not yet concluded their land claims and, therefore, do not

have funds to purchase equity in the Power Corporation, are there opportunities for those organizations also to get equity in the Power Corporation?

MADAM SPEAKER:

Thank you. Madam Premier.

Further Return To Question 49-12(6): Privatization Of NWT Power Corporation

HON. NELLIE COURNOYEA:

Madam Speaker, the opportunity is the same to any organization, whether they have a claim settlement or not. Thank you.

MADAM SPEAKER:

Thank you. Item 5, oral questions. The honourable Member for Baffin South, Mr. Pudlat.

Question 50-12(6): Impact Of Consolidation Of H&SS On Sanikiluaq

MR. PUDLAT:

(Translation) Thank you, Mr. Chairman. This is a question to the Government Leader with regard to the consolidation of Health and Social Services. Madam Speaker, the people of Sanikiluaq get their health services through the Keewatin region and they get their services also from the Baffin region. Would it cause any problems, as far as Sanikiluaq is concerned, in having two centres? Thank you.

MADAM SPEAKER:

Thank you. Madam Premier.

Return To Question 50-12(6): Impact Of Consolidation Of H&SS On Sanikiluaq

HON. NELLIE COURNOYEA:

Madam Speaker, the issue of Sanikiluaq and the circumstances that they are presently operating under has been brought up in a few meetings. The issue will be discussed with the relevant boards or agencies that are presently dealing with this, in particular with Sanikiluaq, as we move towards a consolidation of these services. The community of Sanikiluaq will have to discuss this issue to see what makes sense and how we deal with consolidating these two services. Thank you.

MADAM SPEAKER:

Thank you. Item 5, oral questions. The honourable Member for Iqaluit, Mr. Patterson.

Question 51-12(6): Minister's Authorization Of Housing Advertisement

MR. PATTERSON:

Thank you, Madam Speaker. Madam Speaker, we heard in the Premier's opening statement today, that our government has suffered from a staggering \$45 million cut in social housing. Yet, I see in the fall 1994 issue of the airline in-flight magazine, Above and Beyond, a lavish 16-page glossy coloured ad spread on the NWT Housing Corporation, including a beautiful picture of the Minister, the Honourable Don Morin.

SOME HON. MEMBERS:

Nay.

---Applause

MR. PATTERSON:

There are 16 pages here and I am told the magazine charges \$2,500 a page. I would like to ask the Minister -- and this article has extensive quotes from him and his senior staff -- did the Minister authorize this costly ad spread? Thank you.

MADAM SPEAKER:

Thank you. Minister of Housing, Mr. Morin.

Return To Question 51-12(6): Minister's Authorization Of Housing Advertisement

HON. DON MORIN:

Thank you, Mr. Speaker. I think the deputy minister has the authority to authorize that type of ad. Thank you.

MADAM SPEAKER:

Supplementary, Mr. Patterson.

Supplementary To Question 51-12(6): Minister's Authorization Of Housing Advertisement

MR. PATTERSON:

Thank you, Madam Speaker. Madam Speaker, I am told that this magazine charges \$2,500 a page for advertising. Even at a bargain rate of \$2,000, this is probably a \$25,000 or \$30,000 ad spread. I would like to ask the Minister of Housing, how far would \$25,000 go towards building a home ownership unit in one of our communities in the Northwest Territories? Thank you.

MADAM SPEAKER:

Thank you. Minister of Housing, Mr. Morin.

Further Return To Question 51-12(6): Minister's Authorization Of Housing Advertisement

HON. DON MORIN:

Thank you, Mr. Speaker. It depends on what region you would like to build in. For example, in the South Slave region, it would be around \$140,000. In the Baffin, it is about \$160,000. Thank you.

MADAM SPEAKER:

Mr. Morin, may I correct you, I am not Mr. Speaker. Supplementary, Mr. Patterson.

Supplementary To Question 51-12(6): Minister's Authorization Of Housing Advertisement

MR. PATTERSON:

Madam Speaker, Assuming that the Housing Corporation had an important message to

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communicate to the people of the Northwest Territories, at a quarter of the cost of a home ownership unit, I would like to ask the Minister if he's aware that Above and Beyond magazine includes in its circulation list; 6,000 copies to the Edmonton Chamber of Commerce; several thousand copies to the Ottawa Board of Trade; and, to the Greenland Chamber of Commerce. I would like to ask the Minister if there's an important message that the Housing Corporation wishes to convey, and if so, is it necessary to convey that message to Edmonton, Ottawa and Greenland? Thank you.

MADAM SPEAKER:

Thank you. Minister responsible for the Housing Corporation, Mr. Morin.

Further Return To Question 51-12(6): Minister's Authorization Of Housing Advertisement

HON. DON MORIN:

No, it's not necessary. Thank you, Madam Speaker. It would be nice to convey the message to Ottawa, but the other places are not relevant. Thank you.

MADAM SPEAKER:

Thank you. Final supplementary, Mr. Patterson.

Supplementary To Question 51-12(6): Minister's Authorization Of Housing Advertisement

MR. PATTERSON:

I would like to ask the Minister, Madam Speaker, if the corporation has determined to spend its precious funds on advertising -- which I think is perhaps a questionable use of its money in light of the critical social housing shortage -- did the corporation give any consideration to spending the money for advertising on publications such as community newspapers which are distributed in communities and households in the Northwest Territories? Thank you.

MADAM SPEAKER:

Thank you. Minister responsible for the Housing Corporation, Mr. Morin.

Further Return To Question 51-12(6): Minister's Authorization Of Housing Advertisement

HON. DON MORIN:

Thank you, Madam Speaker. I would consider that, yes. Thank you.

MADAM SPEAKER:

Thank you. Item 5, oral questions. The honourable Member for Baffin South, Mr. Pudlat.

Question 52-12(6): Reasons For Reassigning Ministerial Portfolios

MR. PUDLAT:

(Translation) Thank you, Madam Speaker. This is a question to the Government Leader. It's been about three years since we've been Members of the Legislature. Madam Speaker, we are all aware and have been made aware that the Ministers change their portfolios. I just wondered why they have to give

them different portfolios. We have been given information as to which Minister is doing which portfolio. Perhaps there is a problem. Because they change their portfolios so often, maybe they're not really getting used to what they're used to doing. Thank you.

MADAM SPEAKER:

Madam Premier.

Return To Question 52-12(6): Reasons For Reassigning Ministerial Portfolios

HON. NELLIE COURNOYEA:

Madam Speaker, one of the reasons why we change portfolios is to adjust workload and also to take into consideration that many of the Ministers have changed, as well. So you try to do the best in fitting interest to portfolios. There are many reasons why Ministers have changed. However, in the end, the Cabinet works as a group, that the changes in themselves should provide a positive approach to the changing times. The government itself, right now with all the new initiatives and the financial restraints is changing itself. So I believe that the Ministers given the responsibility are deemed to be people who could handle change and various portfolios. Right now, what we try to do in looking at government expenditures and how we operate is that many of the different departments overlap in responsibility from one department to the other. So we're working very hard to make some sense and avoid duplication. Thank you.

MADAM SPEAKER:

Thank you. Item 5, oral questions. Item 6, written questions. Item 7, returns to written questions. Mr. Clerk.

ITEM 7: RETURNS TO WRITTEN QUESTIONS

Return To Written Question 1-12(6): HIV/AIDS Related Expenditures For Fiscal Years 1993-94 And 1994-95

CLERK OF THE HOUSE (Mr. Hamilton):

Madam Speaker, Return to Written Question 1-12(6), asked by Mr. Dent and replied to by the Minister of Health and Social Services concerning HIV/AIDS related expenditures for the fiscal years 1993-94 and 1994-95.

Mr. Dent asked for a detailed outline of HIV/AIDS related expenditures made in the fiscal year 1993-94 and those planned for 1994-95.

I provided the honourable Member with this information in a letter dated May 16, 1994.

MADAM SPEAKER:

Thank you. Item 8, replies to opening address. Item 9, petitions. Item 10, reports of standing and special committees. The honourable Member for North Slave, Mr. Zoe.

ITEM 10: REPORTS OF STANDING AND SPECIAL COMMITTEES

Committee Report 2-12(6): Report On Issues Referred By Caucus

MR. ZOE:

Thank you, Madam Speaker. Madam Speaker, the Standing Committee on Rules, Procedures and Privileges would like to present its report on issues referred by Caucus.

Madam Speaker, the Standing Committee on Rules, Procedures and Privileges has the responsibility to review the rules and procedures of the Legislative Assembly and matters brought to our attention by Members.

The committee received referrals from Caucus, requesting that the standing committee review the following issues:

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- a) rules requiring a Member to stand when speaking in the House as they might affect a person with a physical disability;
- b) procedures regarding the recognition of visitors in the gallery;
- c) an options paper prepared by the Chairs' Liaison Committee on the operation and accountability of standing committees; and,
- d) recall legislation.

The standing committee has examined these issues and is pleased to report our findings.

Review Of The Rules Regarding Standing When Speaking In The House

On November 24, 1993, the committee received a referral from Caucus concerning the rules regarding standing as they might affect a disabled person. Some Members felt that our rules should permit Members to remain seated if "disabled or in discomfort." Caucus shared the concerns stated by these Members. Rule 21 currently states "Every Member recognized shall stand in his or her place and address the Speaker." There are other rules that also require Members to stand; for recorded votes; and, at the time of adjournment.

When Caucus first considered this matter, it was agreed that the Speaker would seek unanimous consent to permit a Member with a physical disability to remain seated when speaking during formal session. This was to be an interim measure pending the result of the review by the Standing Committee on Rules, Procedures and Privileges. The standing committee examined the procedures that are used in other jurisdictions. It was found that each jurisdiction handles these situations on a case-by-case basis. During our review, the committee felt that asking for unanimous consent to waive the rules would draw attention unnecessarily to the fact that a Member is disabled. Committee Members considered the fact that there may be a Member elected who had a permanent disability, or that a Member may suffer from an injury during the course of his or her term that might also make them unable to stand as required by the rules. Members may not wish to bring attention to the disability, therefore it was felt that an alternative method should be developed. The committee agreed that Members who suffer from permanent or temporary physical disability which would require the waiving of the rules for standing, should request, in writing, to the Speaker their need to waive the rules which govern standing. And the Speaker, after due consideration, will indicate to the House at the first opportunity that the rules have been waived for the Member for a specific period of time.

Recommendation 1

Therefore, this committee recommends that rule 18 be amended to add, under (3), "Notwithstanding rule 18(1) does not apply to rule 6(1), 21 and 61(2) if the Member has been granted approval by the Speaker to waive those rules for a specified period of time.

Recognizing Visitors In The Gallery

On March 4, 1994, the Standing Committee on Rules, Procedures and Privileges received a request to review the possibility of developing an additional

procedure by which Members of the Assembly could recognize visitors in the gallery. Five Legislatures in Canada include an item for the recognition of people in the gallery on their order paper. This allows Members of these particular Assemblies to recognize certain persons in the gallery without having to go through the Speaker.

Current practice in our Legislature provides that the Speaker has the authority to recognize people in the gallery. This serves to avoid the recognition of people for political reasons and protects the dignity and standards of the Chamber. However, the standing committee felt that placing an additional item on the order paper would allow Members to recognize people in the gallery who may not fall within the guidelines the Speaker currently applies and would eliminate the problem of the Speaker having to make the decision of who may or may not be recognized. It would allow the Member to introduce those persons who, in the Member's opinion, may be worthy of recognition.

The committee feels that most Members of the Assembly would still prefer to have the Speaker recognize guests. The authority to recognize guests should remain with the Speaker as much as possible. However, for those less obvious cases, a formal means for Members to recognize people in the gallery should be available.

Recommendation 2

Therefore, the Standing Committee on Rules, Procedures and Privileges recommends that more liberal guidelines on the recognition of visitors be developed for application by the Speaker.

The committee is of the opinion that the rules should be amended to include an item on the order paper titled "Recognition of Visitors in the Gallery". This item should be placed immediately before oral questions and should appear on the order paper on a provisional basis for the remainder of the 12th Assembly. Each introduction shall be limited to 30 seconds in duration.

Recommendation 3

The Standing Committee on Rules, Procedures and Privileges recommends that rules 27(1) and (2) be amended by adding the new item 5, recognition of visitors in the gallery, to the orders of the day. And further, that all items following the new item 5 be renumbered sequentially.

Recommendation 4

The Standing Committee on Rules, Procedures and Privileges also recommends that the rules be amended by adding the following new rule: recognition of visitors in the gallery.

Rule 37(1) under the item recognition of visitors in the gallery, a Member may make a statement of introduction of visitors here in the gallery.

Rule 37(2), introduction made under Rule 37(1) shall not exceed 30 seconds.

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And further, that the rules be renumbered to reflect the addition of the new rule 37. And furthermore, that these rule changes come into effect on the first sitting day after adoption and remain in effect on a provisional basis for the remainder of the 12th Assembly.

Operation And Accountability Of Standing Committees

On April 21, 1994, the standing committee received a referral from Caucus to review a paper on the operation and accountability of the standing committees, which was developed by the Chairs' Liaison Committee. The paper presented guidelines to aid in the operation and accountability of standing committees with respect to:

- how Members are assigned or reassigned to committees;
- balancing workloads amongst Members;
- disciplining committee Members; and,
- guidelines for processing living allowances, indemnities and travel expenses.

When developing the guidelines for the operation and accountability of standing committees, the Chairs' Liaison Committee addresses a broad range of issues surrounding committees. The assignment of committee work and balancing workloads was addressed in a section on committee size, allocating of committee seats, length of term of Members and selection of committee chairs.

Committee discipline was addressed in this section on committee expectation and discipline, review of committee performance and committee resources.

The Chairs' Liaison Committee made several recommendations which Caucus and the Standing Committee on Rules, Procedures and Privileges reviewed. The following recommendations emerged from these reviews.

Review Of The Discussion Paper On Committee Operation And Accountability

The Legislative Assembly of the Northwest Territories currently has a large number of committees and caucuses. Some involve both Ministers and ordinary Members. Recently, some committee chairs voiced concern over the lack of attendance by Members and the difficulties in getting a quorum for meetings. The number of committees compared to the number of MLAs means Members are worn thin. As a result, they may place less emphasis on committees which are not of keen interest to them.

Between committee meetings and sittings of the Assembly, NWT Members are currently spending an average of 47 per cent of their work day in meetings. The volume of work does not allow individual Members to become immersed in any one of their committees. Aside from special committees and caucuses, most Members sit as regular Members on two or three standing committees.

Given the significant use of alternates, it appears that it's difficult for Members to become as involved as they may like. Smaller committees would give Members the opportunity to become more involved with them. The Standing Committee on Rules, Procedures and Privileges feels that with smaller

committees and improved committee guidelines, it should be easier to meet quorum requirements.

Recommendation 5

Therefore, the Standing Committee on Rules, Procedures and Privileges recommends that the membership of the Standing Committee should be reduced to five Members and further, that the quorum for standing committees be lowered to four Members based on a membership of five. Furthermore, that the number of alternates should remain at three Members. Furthermore, that the rules of the Legislative Assembly be amended to reflect the approved changes regarding membership and quorum and that the changes to the rules come into force on the first day of the first session of the 13th Assembly.

Committee Assignments

The two most common ways to allocate positions on committees are by interest and by ability. It is felt that the best way to allocate positions on committees is based on the combination of interest, ability and experience. Members are more likely to attend and participate fully if committee work is a topic of personal interest.

Members should be asked to provide to the Striking Committee a brief written request for the committee on which they are interested in holding a position. The Chairs' Liaison Committee's report proposes that Members provide a description of how their experience and interest would contribute to the work of each committee position requested. The Striking Committee would then try to balance the workload of Members.

Recommendation 6

The Standing Committee on Rules, Procedures and Privileges recommends that the Members provide brief written information explaining the reason they are requesting an appointment to a particular committee or committees.

And further, that when assigning Members to committees, the Striking Committee should consider the interest, ability and experience of the Member while trying to maintain an east/west balance where possible.

---Applause

Appointment To Committees

Currently, committee Members are appointed at the beginning of each Assembly and unless there are changes in the status of the Member, they remain with those committees for the four-year term. This is the preferable way of handling the length of term for committee Members.

Some Members have suggested that committee membership should be rotated annually. There is always a learning curve associated with committee work and the Members become more proficient and aware of the committee's specific needs over time. Continuity of committee Members allows committees to be more effective in their approach.

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Recommendation 7

The Standing Committee on Rules, Procedures and Privileges recommends that committee Members continue to be appointed for the term of an Assembly.

Selection Of Committee Chairs

Chairs must have the confidence and support of their committees, particularly since they are ultimately responsible for committee discipline and budget expenditures. Chairs should be selected by each committee through a secret ballot election administered by the clerk of the committee.

Recommendation 8

The Standing Committee on Rules, Procedures and Privileges recommends that chairs should continue to be selected through a secret ballot election administered by the clerk of the committee.

Committee Discipline

In order for committees to function effectively, there must be a commitment and dedication among Members to the work of the committee. It is important that upon initial formation, committees clearly outline their expectations for Members in terms of preparation, participation and attendance at committee meetings. Currently, chairs have no authority to discipline Members who are not making a fair contribution to committee work. Chairs should have avenues for disciplining Members who apparently do not take their task seriously. Stability and consistency in committee membership is important. One way to encourage committee attendance is to tie attendance to monetary items.

Recommendation 9

The Standing Committee on Rules, Procedures and Privileges recommends that the payment of committee indemnities and living allowances be conditional upon attendance at committee meetings and, further, that committee chairs and ultimately the committee, be given authority to discipline a Member of that committee.

AN HON. MEMBER:

Hear, hear.

Committee Accountability

MR. ZOE:

The Legislative Assembly of the Northwest Territories has decided that one way to hold Ministers accountable for their actions is through a mid-term review of ministerial performance. However, in a consensus government system, the committees are also powerful in terms of their ability to influence government action. The Chairs' Liaison Committee stated in their report that committees should be required to outline their goals and workplan on a regular basis and that an annual report should be tabled each year outlining the committee's activities for the past year and their proposed workplan for the upcoming year.

The Standing Committee on Rules, Procedures and Privileges feels that the goals, workplan and principles for each committee are clearly stated in the terms of reference for each committee and that the reports that are presented to the House serve as the committees' accountability mechanism.

Therefore, the Standing Committee on Rules, Procedures and Privileges does not feel that a recommendation is necessary in this regard.

Legislative Assembly Guidelines For Committees

The role of ordinary Members is very important. The committee system is the way in which ordinary Members can influence the decision of Cabinet and make recommendations to the Legislature for action. Each committee has the responsibility for examining its own procedures to ensure that the work of the committee is carried out in an efficient, economic and effective manner. It is important to the work of the committees that Members attend regularly and on time. The standing committee, with the guidance of the Chairs' Liaison Committee, has developed guidelines for committees of the Legislative Assembly. It is attached to Appendix A.

These guidelines have been forwarded to the Management and Services Board for approval and adoption into policy. The guidelines would apply to all committees of the Legislative Assembly.

Recommendation 10

The Standing Committee on Rules, Procedures and Privileges recommends that the committee guidelines be adopted by the Management and Services Board as policy for the administrative operation of the Legislative Assembly.

Recall Legislation

Recall is the legal mechanism whereby a specified percentage of voters can petition for a vote to remove an elected official. If the vote is in favour of removal, there will be a bi-election to fill the vacancy. Caucus asked that the Standing Committee on Rules, Procedures and Privileges examine this issue in more detail as it might relate to the NWT Legislative Assembly.

The committee studied the various strengths and weaknesses of this aspect of direct democracy. Although there are special problems in using recall in a Parliamentary system, implementation in the Northwest Territories is a possibility. If the concept of recall was approved in the Northwest Territories Legislature, it would be up to the government to devise and implement the recall procedures by way of legislation.

Factors which will have to be addressed in detail in the legislation would include:

1. Should there be specific grounds for recall, such as misconduct or incompetence and should the grounds for recall be unlimited?
2. Should there be periods during which representatives are immune from recall attempts?
3. How many signatures would be required for a successful petition for recall?
4. Should there be restrictions on spending during the petition process and who pays for the costs associated during the petition process? Should there be a fee for the petition and what would that fee be? Should there be limits to the number of petition attempts?
5. Should there be a time limit for gathering petition signatures? What signature verification process would there be?
6. How long after a successful recall vote should a by-election be held?
7. Should there be a recall vote or should a successful petition remove the elected official from their seat?
8. Which voters are eligible to vote in a recall election?

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The standing committee reviewed the issue of recall and feels that, although the issue is important and deserves serious consideration, this committee does not have the authority to pursue the issue to its conclusion.

Recommendation 11

Therefore, the Standing Committee on Rules, Procedures and Privileges recommends that the government develop a legislative action paper on the issue of recall of Members of the Legislative Assembly for tabling in the House.

Madam Speaker, this concludes the review of the issues referred to our committee by Caucus and the Standing Committee on Rules, Procedures and Privileges would like to thank the Members for their continued interest and support in these issues which affect us all. Suggestions for improving our rules and procedures are always welcome and appreciated. Mahsi.

Madam Speaker, that concludes the report of the Standing Committee on Rules, Procedures and Privileges.

Motion To Move Committee Report 2-12(6) To Committee Of The Whole, Carried

Therefore, I move, seconded by the honourable Member for Iqaluit, that the report of the Standing Committee on Rules, Procedures and Privileges on issues referred by Caucus be received by the Assembly and moved into committee of the whole for today. Thank you.

---Applause

MADAM SPEAKER:

Thank you. The motion is in order. To the motion.

AN HON. MEMBER:

Question.

MADAM SPEAKER:

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

---Carried

Committee Report 2-12(6) is moved to committee of the whole. The House will recess for 15 minutes.

---SHORT RECESS

MADAM SPEAKER:

I will call the House back to order. Item 10, reports of standing and special committees. The honourable Member for Deh Cho, Mr. Gargan.

Committee Report 3-12(6): Interim Report On The Review Of Bill 5, Mine Health And Safety Act

MR. GARGAN:

Thank you, Madam Speaker. Bill 5, the proposed Mine Health and Safety Act, was referred to the Standing Committee on Legislation on April 7, 1994. The committee began its review and deliberations on this bill on September 6, 1994 and held public hearings in Yellowknife. As Members of the Assembly are aware, this bill has been anticipated for quite some time and, due to its scope and the nature of its provisions, it has been a somewhat controversial issue for the past few years.

Bill 5 continues to be a controversial issue, as the committee heard from a variety of witnesses during the public hearings. Due to the number and nature of the concerns expressed, the committee was unable to complete its review of the Mine Health and Safety Bill as planned.

As a result, the Standing Committee on Legislation respectfully requests an extension to report on the review of Bill 5. The importance of Bill 5 and its potential impact on the mining industry and the health and safety of mine employees has prompted the need for further review.

It was felt by the committee and recommended to the Minister that the bill should be referred to the Mine Occupational Health and Safety Board, established under the current Mining Safety Act. The extension of the reporting period would allow that board's review of the proposed legislation to be completed and the findings reported to the Standing Committee on Legislation by October 10, 1994. The committee will then be better able to complete its review and report to the House prior to the end of the Sixth Session of the 12th Assembly.

Madam Speaker, your committee therefore requests unanimous consent to waive rule 70(1) to permit the Standing Committee on Legislation to complete its review beyond the 120 days allowed by the rules.

Madam Speaker, that concludes the interim report of the Standing Committee on Legislation on its review of Bill 5, the Mine Health and Safety Act.

Motion To Receive And Adopt Committee Report 3-12(6), Carried

I move, seconded by the honourable Member for Yellowknife Centre, that the interim report be received by the Assembly and adopted.

MADAM SPEAKER:

Thank you. The motion is in order. To the motion.

AN HON. MEMBER:

Question.

MADAM SPEAKER:

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

---Carried

Committee Report 3-12(6) is in committee of the whole. Item

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10, reports of standing and special committees. The honourable Member for Deh Cho, Mr. Gargan.

Committee Report 4-12(6): Report On Bill 6-12(6) - Access To Information And Protection Of Privacy Act

MR. GARGAN:

Thank you, Madam Speaker. Madam Speaker, Bill 6, Access to Information and Protection of Privacy Act received second reading on April 7, 1994. The intent of the act is to make it easier for members of the public to find out and obtain information about the activities of government bodies by providing avenues for reviewing recorded information.

The standing committee conducted its public review of the proposed legislation beginning on Monday, August 29, 1994 through Friday, September 2, 1994.

At the public hearings held in Yellowknife, the Standing Committee on Legislation identified, through the various witnesses at the public hearings, a number of problems with the proposed legislation. Most of the areas of concern have been addressed through amendment in committee. See Appendix A.

Results Of The Review

The standing committee received many positive comments during its public hearings on Bill 6, Access to Information and Protection of Privacy Act. Generally, the public was pleased that legislation supporting a more open government was finally before the Assembly. Although the public did support the bill in general terms, there were reoccurring concerns heard throughout the committee's review. The most notable concerns are as follows:

A. Exclusion Of The Office Of The Legislative Assembly From The Definition Of Public Body

Many presentations during the public hearing on Bill 6 recommended the inclusion of the office of the Legislative Assembly in the definition of public body. Most presenters were of the view that the personal papers of individual Members and the privilege afforded to the Executive Council under the provision of Cabinet secrecy were sufficient. Presenters felt the office of the Legislative Assembly is an institution different from the Members of the Assembly and the background papers and research information should be accessible by the public.

Members of the committee feel that, ultimately, politicians and the Legislative Assembly are accountable to the public in terms of the information that they table in the House. The committee did conduct a survey and found that, although the trend across the country appears to be towards more open government, no jurisdiction has the offices of the Members of the Legislative Assembly or Members of the Executive Council open to access to information. Members of the committee also feel that because the office of the Assembly comes under the authority of the Speaker and the Management and Services Board, it has the stature of being the executive arm of the Legislative Assembly and therefore should remain exempt from the definition of public body.

B. Applying The Act To Municipal Governments

The provision of Bill 6, Access to Information and Protection of Privacy Act only applies to records in the custody of the Government of the Northwest Territories. The act does not extend to municipal governments. The government felt that it was important to discover the implications and applications of the act on the territorial government before contemplating an extension to other levels of government.

C. Exemption Override Of 25 Years

Generally, all access legislation provides that, in certain defined circumstances, some or all of the exemptions contained in the act, do not apply. These are referred to as the overrides. The result is that the public body must provide access to the requested information even though another section of the act contains a mandatory or discretionary exemption from doing so.

Bill 6, Access to Information and Protection of Privacy Act does contain an override provision to allow for the disclosure of Cabinet documents and other exempted material if the record in question was in existence for more than 25 years.

Most presenters, as well as Members of the committee, felt that 25 years was too long a period of time and that the protection this afforded was not warranted.

Although it was acknowledged that governments often must make difficult decisions and the release of the background information leading to that decision could prevent the Members of the Executive from being active in decision making, it was felt that information of a politically sensitive nature should not be inaccessible by entire generations.

The committee, with the concurrence of the Minister, amended the 25 year override provision contained in Bill 6 to 15 years.

D. Definition Of "Aboriginal Government"

During the public review of Bill 6, some presenters were concerned about the definition of aboriginal government contained in the definitions of the act. The concern was with the possibility that although the definition of aboriginal government is strictly limited to this act, the precedent would be set to define what an aboriginal government is. It was felt that this would lead to the possibility of a definition of aboriginal government becoming enshrined in forthcoming legislations.

The committee was advised that the loose definition of aboriginal government for the purpose of this act was required to afford to aboriginal organizations the same protection other governments that deal with the Government of the Northwest Territories are granted. It was noted that if information would impair the relationship between the Government of the Northwest Territories and an aboriginal organization,

then the Government of the Northwest Territories would decline to release the information requested. However, in order to do so in this legislation, the government had to define, in a very broad manner, what was meant for the purposes of legislation,

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an aboriginal government.

Some Members of the committee were still concerned that information held by the territorial government obtained from an aboriginal organization could be released at the discretion of the head of the department who was in possession of the recorded information. The Members felt that the legislation should explicitly afford for third-party notification and consent before the head of a department could grant public access. The government amended the legislation, with the agreement of the Minister, to address these concerns.

Madam Speaker, I'd like to turn the rest of the report over to my colleague from Yellowknife Centre.

MADAM SPEAKER:

Thank you. The honourable Member for Yellowknife Centre, Mr. Lewis.

MR. LEWIS:

Thank you, Madam Speaker.

E. Office Of The Information And Privacy Commissioner

The Information and Privacy Commissioner, under the proposed legislation, is responsible for reviewing government decisions with respect to access to information, as well as to overseeing the administration of the privacy provisions of the legislation.

The standing committee heard a number of presentations which called for the Commissioner to have the authority to enforce the legislation and have the power to order the government to release records or improve privacy safeguards. Further to this authority, the presentations propose that the government officials should then have the option of appeal like the general public.

As in all other jurisdictions which have access legislation, the Information and Privacy Commission is required to submit, before the Legislative Assembly,

an annual report. Generally the report is to cover the work of the Commissioner's office and any complaints or reviews resulting from a decision.

In some jurisdictions, the legislation requires the report to also provide a comprehensive review of the effectiveness of the legislation in providing access to information and protection of personal privacy. Members of the standing committee felt that the review of the effectiveness of the act was a means to ensure that the Northwest Territories was operating under progressive and current access legislation. The committee moved a motion in committee to amend Bill 6 to include a review of the legislation in the annual report. The Minister concurred with this motion.

F. Fees For Services

Bill 6, Access to Information and Protection of Privacy Act has many instances where fees will be applied. The bill allows for fees to be levied at the discretion of the head of the public body. However, members of the public, as well as the standing committee, had concerns about the charging of fees for information. Although the levying of a charge could eliminate frivolous use of the access provisions, it could also deter or prohibit a section of the public from accessing information.

A recommendation from the Union of Northern Workers stated that an appeal process for the levying of fees should be instituted. The Information and Privacy Commissioner could hear these appeals. The standing committee feels that this option, as well as other options which might be available, should be explored.

G. Translation/Interpretation Services

The standing committee is concerned that by not providing for the translation of records into the languages of the NWT, the government is not providing equal access to information to all citizens. People who do not speak English, which is the main language of the government, will be cut off from most of the information of the government unless they are able to pay a prescribed fee for the translation of the record requested.

In general terms, the portion of the public who would require the translation of records into an official language are the sector of the population who can least afford the prescribed fee.

The standing committee realizes that it may not be possible to translate every record held by the government. The government does not have the human or financial resources. However, under other access legislation if a person requests a document in a particular official language, a copy of that record shall be given to the person in that language. If the document exists in that language, it shall be given to the person forthwith. If it does not exist in that language, it will be given to the person within a reasonable period of time, if it is in the public interest for the translation to be prepared.

Therefore, the Standing Committee on Legislation recommends that the Government of the Northwest Territories consider amending Bill 6, Access to Information and Protection of Privacy Act to allow for the translation of records into the official languages of the Northwest Territories without a prescribed fee if it is deemed to be in the public interest.

Motion To Move Committee Report 4-12(6) To Committee Of The Whole, Carried

That concludes the report on Bill 6, Access to Information and Protection of Privacy Act. Therefore I move, seconded by the Member for Yellowknife Centre, that the report on Bill 6 be received by the Assembly and moved into committee of the whole for today.

MADAM SPEAKER:

Thank you. The motion is in order. To the motion.

AN HON. MEMBER:

Question.

MADAM SPEAKER:

Question has been called. All those in

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favour? All those opposed? Motion is carried.

---Carried

I just want to bring to the attention of the House an oversight on my part. When the Member of Deh Cho was reading the interim report on the review of Bill 5, towards the conclusion of his remarks, he indicated to the House that he wanted unanimous consent to waive rule 70(1). He did not pause and went on to move the adoption of the report. For the record, I

would like to ask the Member for Deh Cho if he wishes to have unanimous consent to waive rule 70(1) to permit the Standing Committee on Legislation to complete its review beyond the 120 days allowed by the rules of the House? Mr. Gargan.

MR. GARGAN:

Yes, Madam Speaker, I wish to request unanimous consent to waive rule 70(1).

MADAM SPEAKER:

Thank you. The honourable Member is seeking unanimous consent to waive rule 70(1). Are there any nays? There are no nays.

Thank you. Item 10, reports of standing and special committees. Item 11, reports of committees on the review of bills. The honourable Member for Deh Cho, Mr. Gargan.

ITEM 11: REPORTS OF COMMITTEES ON THE REVIEW OF BILLS

Report On Bills 2, 3, 4, 6, 7, 8, 9, 10, 11 and 12

MR. GARGAN:

Madam Speaker, I wish to report to the Assembly that the Standing Committee on Legislation has reviewed Bills 2, 3, 4, 6, 7, 8, 9, 10, 11 and 12, and wish to report that Bills 2, 3, 6, 8 and 12 are now ready for committee of the whole, as amended and reprinted.

And further, Madam Speaker, that Bills 4, 7, 9, 10 and 11 are ready for committee of the whole. Madam Speaker, I'm also requesting unanimous consent to have these bills ordered in committee of the whole for today.

MADAM SPEAKER:

Thank you. The honourable Member is seeking unanimous consent to place Bills 2, 3, 4, 6, 7, 8, 9, 10, 11 and 12 in committee of the whole for today. Are there any nays? There are no nays. Pursuant to rule 70(5) and on the order of the Assembly, Bills 2, 3, 4, 6, 7, 8, 9, 10, 11 and 12 are ordered into committee of the whole for today.

Item 11, reports of committees on the review of bills. Item 12, tabling of documents. The honourable Member for Baffin Central, Ms. Mike.

ITEM 12: TABLING OF DOCUMENTS

HON. REBECCA MIKE:

Thank you, Madam Speaker. I wish to table the following document, Tabled Document 20-12(6), letter to the publisher of Nunatsiaq News from Mr. Jim Currie, dated October 4, 1994.

MADAM SPEAKER:

Thank you. Item 12, tabling of documents. The honourable Member for Deh Cho, Mr. Gargan.

MR. GARGAN:

Thank you, Madam Speaker. Madam Speaker, I wish to table the following document, Tabled Document 21-12(6), a letter written to Sam Gargan from the Zhahti Koe Friendship Centre from Anna Bouvier. It is with regard to a territorial-wide campaign to increase wages and provide benefits to family violence prevention workers.

MADAM SPEAKER:

Thank you. Item 12, tabling of documents. The honourable Member for Iqaluit, Mr. Patterson.

MR. PATTERSON:

Thank you, Madam Speaker. I wish to table the following document, Tabled Document 22-12(6), Nunatsiaq News editorial dated September 27, 1994 entitled "Get Out and Vote Anyway" and Nunatsiaq News editorial dated September 30, 1994 entitled "GNWT Controlling Free Press?"

MADAM SPEAKER:

Thank you. Item 12, tabling of documents. In accordance with section 12(4) of the Electoral District Boundaries Commission Act, I wish to table Tabled Document 23-12(6), the report of the 1993-94 Electoral District Boundaries Commission Northwest Territories in English and in Inuktitut.

In addition, in accordance with section 34 of the Legislative Assembly and Executive Council Act, I wish to table Tabled Document 24-12(6), the report showing the amounts paid by way of indemnity allowances or expenses paid to or incurred by Members of the Legislative Assembly for the fiscal year ended March 31, 1994.

In addition, in accordance with section 30 of the Northwest Territories Act, I wish to table Tabled Document 25-12(6), the Report of the Auditor General

of Canada on Other Matters Arising from the Examination of The Accounts and Financial Statements of the Government of the Northwest Territories, for the year ended March 31, 1993. Item 12, tabling of documents. Item 13, notices of motion. The honourable Member for Hay River, Mr. Pollard.

ITEM 13: NOTICES OF MOTION

Motion 9-12(6): Tabled Document 23-12(6), "Report of the Electoral Districts Boundaries Commission Northwest Territories" To Committee Of The Whole

HON. JOHN POLLARD:

Thank you, Madam Speaker. Madam Speaker, I give notice that on Friday, October 7, 1994, I will move the following motion.

I MOVE, seconded by the honourable Member for Mackenzie Delta, that Tabled Document 23-12(6), Report of the 1993-94 Electoral District Boundaries Commission Northwest Territories, be moved into committee of the whole for discussion. Thank you, Madam Speaker.

MADAM SPEAKER:

Thank you. Item 13, notices of motion. The honourable Member for Sahtu, Mr. Kakfwi.

Motion 10-12(6): Appearance Of The Honourable Ron Irwin Minister Of Indian And Northern Development

HON. STEPHEN KAKFWI:

Madam Speaker, I give notice that on Friday, October 7, 1994, I will move the following motion.

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I MOVE, seconded by the honourable Member for Nunakput, that the Speaker be authorized to invite the Honourable Ron Irwin, Minister of Indian Affairs and Northern Development to appear before the Legislative Assembly in committee of the whole on a date convenient to the Minister and the Speaker. Thank you.

MADAM SPEAKER:

Thank you. Item 13, notices of motion. Item 14, notices of motions for first reading of bills. The honourable Member for Hay River, Mr. Pollard.

ITEM 14: NOTICES OF MOTIONS FOR FIRST READING OF BILLS

Bill 1: Appropriation Act, No. 1, 1995-96

HON. JOHN POLLARD:

Thank you, Madam Speaker. Madam Speaker, I give notice that on Friday, October 7, 1994, I shall move that Bill 1, Appropriation Act, No. 1, 1995-96, be read for the first time. Thank you, Madam Speaker.

MADAM SPEAKER:

Thank you. Item 14, notices of motions for first reading of bills. Item 15, motions. Item 16, first reading of bills. Item 17, second reading of bills.

Item 18, consideration in committee of the whole of bills and other matters: Committee Report 2-12(6), Report on Issues Referred by Caucus; Tabled Document 14-12(6), Open For Business, Privatizing the Northwest Territories Power Corporation; Minister's Statement 11-12(6), Return to Session; Committee Report 4-12(6), Report on the Review of Bill 6 - Access to Information and Protection of Privacy Act; Bill 2, Aboriginal Custom Adoption Recognition Act; Bill 3, Guardianship and Trusteeship Act; Bill 4, An Act to Amend the Liquor Act; Bill 6, Access to Information and Protection of Privacy Act; Bill 7, An Act to Amend the Arctic College Act; Bill 8, An Act to Amend the Public Utilities Act; Bill 9, An Act to Amend the Charter Communities Act; Bill 10, An Act to Amend the Cities, Towns and Villages Act; Bill 11, An Act to Amend the Hamlets Act; Bill 12, An Act to Amend the Commissioner's Land Act, with Mr. Lewis in the chair.

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

CHAIRMAN (Mr. Lewis):

I would like to call the committee to order. Good afternoon. What would the committee like to do? Mr. Dent.

MR. DENT:

Mr. Chairman, I would like to recommend the committee consider Committee Report 2-12(6), report of the Standing Committee on Rules, Procedures and Privileges and, if we conclude that, that we move into Bill 4.

CHAIRMAN (Mr. Lewis):

Do all Members agree with that?

SOME HON. MEMBERS:

Agreed.

---Agreed

Committee Report 2-12(6): Report On Issues Referred By Caucus

CHAIRMAN (Mr. Lewis):

So we're going to a deal with the report of Rules, first. Mr. Zoe.

MR. ZOE:

Thank you, Mr. Chairman. Mr. Chairman, as I read into the record under reports of standing and special committees, there were a number of issues that were referred by Caucus to the Standing Committee on Rules, Procedures and Privileges. Actually, there were four specific issues.

One is the rules requiring a Member to stand when speaking in the House, that they might affect a person with a physical disability.

Secondly, procedures regarding the recognition of visitors in the gallery.

Thirdly, the options paper prepared by the Chairs' Liaison Committee on the operation and accountability of standing committees.

Lastly, the recall legislation.

Review Of The Rules Regarding Standing When Speaking In The House

With regard to the first item, Mr. Chairman, on November 24, our committee received a referral from Caucus concerning the rules regarding standing as they might affect a disabled person. Some Members, at that time, felt that our rules should permit Members to remain seated if "disabled or in discomfort." Caucus also shared the concerns stated by these Members. Currently, rule 21 states: "Every Member recognized to speak shall stand in his or her place and address the Speaker." There are other rules that also require Members to stand, for instance, for recorded votes and also at the time of adjournment.

When Caucus first considered this matter, it was agreed that the Speaker should seek unanimous

consent to permit a Member with a physical disability to remain seated when speaking during formal session. This was to be an interim measure pending the results of the review by our standing committee.

When we looked at this issue and examined the procedures that are used in other jurisdictions, we found that each jurisdiction handles these situations on a case-by-case basis.

During our review, our committee felt that asking for unanimous consent to waive the rules would draw attention unnecessarily to the fact that the Member is disabled. Committee Members also considered the fact that there may be a Member elected who had a permanent disability, or that a Member may suffer from an injury during the course of his or her term that might also make them unable to stand as required by our current rules. Members may not wish to bring attention to the disability and therefore, it was felt that an alternative method should be developed. Our committee agreed that Members who suffer from permanent or temporary physical disability which would require the waiving of the rules for standing, should request in writing to the Speaker their need to waive the rules which govern standing, and the Speaker, after due consideration, will indicate to the House at the first opportunity that the rules have been waived for that Member for a specified period of time.

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Recommendation 1

Our committee recommended that rule 18 be amended to add:

(3) Notwithstanding rule 18(1) does not apply to rule 6(1), rule 21 and rule 61(2) if the Member has been granted approval by the Speaker to waive those rules for a specified period of time.

Mr. Chairman, so that Members could get into debate, I would like to move recommendation number one.

Committee Motion 1-12(6): To Adopt Recommendation 1, Carried

Therefore, this committee recommends that rule 18 be amended to add: (3) Notwithstanding rule 18(1) does not apply to rule 6(1), rule 21 and rule 61(2) if the Member has been granted approval by the Speaker to waive those rules for a specified period of time.

CHAIRMAN (Mr. Lewis):

The motion is in order. To the motion.

AN HON. MEMBER:

Question.

CHAIRMAN (Mr. Lewis):

Question has been called. All those in favour? Mr. Whitford.

MR. WHITFORD:

Thank you, Mr. Chairman. The issue is a good one, and it's quite timely. As someone pointed out, when someone gets a little older we may not be able to always comply with the standing provisions for Members when they are speaking. But I think the question I have has not really been addressed. There are cases where at some point, we will have a disabled individual in the Legislature who may be wheelchair-bound or bound so they are not able to stand. But there are going to be times, Mr. Chairman, that there will be Members who will not be able to stand for a variety of reasons for shorter periods of time, perhaps, rather than a full session. If it's a situation where a person is wheelchair-bound and they can apply this rule for the entire session or the entire life of that Legislature. But there will be short-term provisions, as well. I do know Members who have problems with arthritis, problems with things of that nature. Maybe a minor injury that you may have sustained playing hockey the night before when we do have our games with the press...Volleyball and things like that, that may require an individual to seek that waiver of this rule for a short period of time on very short notice. There were no provisions for that and I had wondered if this could have been worked out in some way that for shorter periods of time and special needs, kind of at a moment's notice, as well, Mr. Chairman.

CHAIRMAN (Mr. Lewis):

I think that's covered in the motion. Did I miss anybody else who wanted to speak to this motion? To the motion.

AN HON. MEMBER:

Question.

CHAIRMAN (Mr. Lewis):

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

---Carried

Mr. Zoe.

Recognizing Visitors In The Gallery

MR. ZOE:

Thank you. With regard to the second issue that was referred to our committee, recognizing visitors in the gallery. I believe, Mr. Chairman, that Members had an opportunity to read the report. I also reported it under item 10, so I won't bother going into the rationale of the recommendation that the committee will be making. I will go right into it by posing a motion so that we can get into a healthy debate.

Committee Motion 2-12(6): To Adopt
Recommendation 2, Carried

Mr. Chairman, with regard to recognizing visitors in the gallery, our standing committee, under recommendation 2, moves that more liberal guidelines on the recognition of visitors be developed for application by the Speaker.

CHAIRMAN (Mr. Lewis):

To the motion.

AN HON. MEMBER:

Question.

CHAIRMAN (Mr. Lewis):

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

---Carried

Mr. Zoe.

Committee Motion 3-12(6): To Adopt
Recommendation 3, Carried

MR. ZOE:

Mr. Chairman, on the same issue, our standing committee, under recommendation 3, recommends, and I move, that rule 27(1) and (2) be amended by adding the new item 5, recognition of visitors in the gallery to the orders of the day and further, that all other items following the new item 5 be renumbered sequentially.

CHAIRMAN (Mr. Lewis):

Thank you, Mr. Zoe. To the motion.

AN HON. MEMBER:

Question.

CHAIRMAN (Mr. Lewis):

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

---Carried

Mr. Zoe.

Committee Motion 4-12(6): To Adopt
Recommendation 4, Carried

MR. ZOE:

Mr. Chairman, again it's with regard to recognizing visitors into the gallery. Our standing committee, on our fourth recommendation, recommends, and I move, that the rules be amended by adding the following new rule: recognition of visitors in the gallery, 37(1) under the item "recognition of visitors in the gallery" and a Member may make a statement of

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introduction of a visitor in the gallery. Rule 37(2), introductions made under Rule 37(1) shall not exceed 30 seconds.

And further, that the rules be renumbered to reflect the addition of the new rule 37.

And furthermore, that these rule changes come into effect on the first sitting day after their adoption and remain in effect on a provisional basis for the remainder of the 12th Assembly.

CHAIRMAN (Mr. Lewis):

Mr. Zoe, your motion is in order. To the motion.

AN HON. MEMBER:

Question.

CHAIRMAN (Mr. Lewis):

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

---Carried

Mr. Zoe, do you want to go on to accountability of standing committees?

Operation And Accountability Of Standing Committees

Committee Motion 5-12(6): To Adopt Recommendation 5, Carried

MR. ZOE:

Thank you, Mr. Chairman. With regard to the operation of accountability of standing committees, under recommendation 5, our committee recommends, and I move, that the membership on the standing committees should be reduced to five Members.

And further, that the quorum for the standing committees be lowered to four Members based on the membership of five.

Furthermore, that the number of alternates should remain at three Members.

Furthermore, that the rules of the Legislative Assembly be amended to reflect the approved changes regarding membership and quorum and that the changes to the rules come into force on the first day of the first session of the 13th Assembly.

CHAIRMAN (Mr. Lewis):

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

MR. GARGAN:

Mr. Chairman, I'm just kind of curious. I realize that recommendation 5 comes first, but there are also recommendations in here with regard to the chairmen of the standing committees and special committees having the power to discipline committee Members regarding their conduct, especially if they're missing without cause and also with regard to quorum. I'm just wondering whether or not we need to reduce in order to...Is there a need to reduce, if we have committee chairmen, the ultimate authority to discipline Members of that committee, or if there is even a need to have recommendation 9, if this motion is to pass?

CHAIRMAN (Mr. Lewis):

Mr. Gargan, I believe this motion deals with the size of committees and is not to do with powers.

It's just a matter of numbers, really and not the powers that the chair would have.

MR. GARGAN:

I realize that, Mr. Chairman, but you cannot address this without affecting other recommendations. That's the problem I'm having right now. Should we be dealing with recommendations 5, 6, 7, 8 and 9 as one whole recommendation or not? If not, then I'm just saying that you can't really address the issue without affecting other recommendations.

CHAIRMAN (Mr. Lewis):

Mr. Gargan, if you have too much in a motion, then it could be defeated. There may be one little thing that somebody doesn't like. They may like everything else, but not that one bit. So I think splitting it up like this helps people to sort it out. Anybody else on this motion? Mr. Zoe, maybe you can clarify for us.

MR. ZOE:

Mr. Chairman, with regard to the operation and accountability of all standing committees, I think our committee took into consideration the Chairs' Liaison Committee, Caucus and everybody who was involved in our discussions. Because we have so many committees, Caucuses and special committees Members were worn too thin. We've noticed that a number of Members weren't participating effectively because they were sitting on a number of either standing committees, special committees or various Caucuses that we had. We had noted that and we looked at the number of sitting days, and the number of committee meetings we had and the workload.

Members are currently spending an average of 47 per cent of their work day in meetings. It's making it more and more difficult. What our committee has indicated is we talked about maybe downsizing a committee membership so that by downsizing it, the Members, through their selection, would indicate their interests.

We're not suggesting that this take place during the 12th Assembly. Currently, we have seven Members with three alternates and so forth. We're not suggesting that we're going to change it in this Assembly. We're recommending that the 13th Assembly will have the new rules in place where the standing committees would all be downsized to five members.

I understand what my colleague from Deh Cho is saying. What this motion I put forward says is that the

next Assembly, rather than having seven Members, will have five. The quorum is going to be four and we're going to have three alternates. That will come into force at the 13th Assembly, not during this current 12th Assembly.

The other issues in relation to the operation and accountability of committees would reflect some into our current Assembly. We broke them up in this manner so that we can deal with them because we wanted to deal with some of the items now. In terms of chairmanship, we wanted to deal with it now and give the authority to the chairs and also the committee. So we broke it up in that manner.

But the specific recommendation that we're considering now is being proposed for the 13th Assembly. Thank you.

CHAIRMAN (Mr. Lewis):

Thanks. Mr. Gargan.

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MR. GARGAN:

Mr. Chairman, one of the concerns I have with regard to the number here again has to do with accountability. In the biggest committees, which are Finance and the Standing Committee on Legislation, right now you have ten Members which are sort of the watch-dogs with regard to laws, finances and government. If the Executive outnumbers them by three, I don't know how effective it can be with regard to having that kind of balance. I wish the standing committee for the next Assembly good luck if they are going to have only five Members. It would require them to convince 19 other Members for their support on certain issues.

CHAIRMAN (Mr. Lewis):

Thanks very much, Mr. Gargan. I don't know if we had all thought about that. Anybody else on this motion? To the motion.

AN HON. MEMBER:

Question.

CHAIRMAN (Mr. Lewis):

Question has been called. Those in favour? Those against? The motion is carried.

---Carried

Mr. Zoe.

Committee Assignments

Committee Motion 6-12(6): To Adopt Recommendation 6, Carried

MR. ZOE:

Thank you. Mr. Chairman, with regard to committee assignments, our Standing Committee on Rules, Procedures and Privileges recommends, and I move, that Members provide brief written information explaining the reasons they are requesting appointment to a particular committee or committees and, further, that when assigning Members to committees, the Striking Committee should consider the interest, ability and experience of the Member while trying to maintain an east/west balance where possible. Thank you.

CHAIRMAN (Mr. Lewis):

Mr. Zoe, your motion is in order. To Mr. Zoe's motion. Mr. Gargan.

MR. GARGAN:

Mr. Chairman, with this one here, I support the motion. But just for the record, I'd like to say that when the appointments are happening there be some fairness in the way those appointments are done. In other words, myself, Mr. Chairman, I've been on Legislation for two terms now. The first time I got elected, I was on Finance for my first term. This is my third term, but I'm still on Legislation. I did express an interest during this election that I'd like to serve on Finance, too. But whichever way this election went, I would hope that if they can't determine that then they draw out of a hat or something. I would hope that it's not based on who you know or what you know, but be able to say that these people have served last term and we should give other Members the opportunity to serve. I just wanted to say that for the record in case I get back in again.

CHAIRMAN (Mr. Lewis):

Is there anybody else on this motion? Mr. Whitford.

MR. WHITFORD:

Thank you, Mr. Chairman. I, too, share Mr. Gargan's concerns. Although I agree with the motion and will

support it, there's a word of caution too, that it's not necessarily those people with the diplomas in that area who are to be on those committees. If that were the case, then I would probably be only serving on social service committees and not on Finance because I don't have a CGA. But if my interests are there, then I think that it should play some role in it. I just wanted to express that caution, that it not be applied strictly to whatever particular type of background you have. Rather, there should be a healthy balance between community people, professional people and others.

CHAIRMAN (Mr. Lewis):

Thanks, Mr. Whitford. Anybody else on this motion? Mr. Zoe.

MR. ZOE:

Thank you. To the motion, since a couple of Members have raised the issue, I'd like to speak to the motion that's in front of us, Mr. Chairman. I think our report from our standing committee basically took into concern those as just stated by the two previous speakers. For the record, I'd like to again read the background to the committee assignments.

What our standing committee said was the two most common ways to allocate positions on committees are by interest or by ability. It is felt that the best way to allocate positions on committees is based on a combination of interest, ability and experience. Members are more likely to attend and participate fully if committee work is a topic of personal interest.

Members should be asked to provide to the Striking Committee a brief written request for the committees on which they are interested in holding a position. The Chairs' Liaison Committee's report proposes that Members provide a description of how their experience and interest would contribute to the work of each committee position requested. The Striking Committee would then try to balance the workload of Members.

In that regard, I think we're basically saying exactly what the two Members are saying; that it has to be fair based on their interests, their experience and ability and also try to maintain the east/west balance. I think that's covered in the motion that is before us. Mahsi.

CHAIRMAN (Mr. Lewis):

Thank you, Mr. Zoe. Mr. Gargan.

MR. GARGAN:

Just one final note, Mr. Chairman, that is with regard to some of the Members who do not speak the English language. Out of convenience, they are being put into certain committees because of a lack of translation.

The other point, Mr. Chairman, is that again it says with regard to the combination of interest, ability and experience is that some Members in this House may never be able to serve on certain committees if that's the only criteria required. All I'm saying is that if you have too many Members interested in a committee, you should be able to find a way of doing it so that you don't anger certain Members. Maybe it's because they're not selected. I'm saying that if the interest is there, that should be all that matters. The way you accommodate or conduct...If a person doesn't speak one of the languages, especially English, then they should be accommodated. But they shouldn't be

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not selected because they cannot speak English. I want to make sure that there's a balance.

CHAIRMAN (Mr. Lewis):

Anybody else on this item? Mr. Ningark.

MR. NINGARK:

Thank you, Mr. Chairman. I agree with what recommendation number six is recommending, in principle. But, Mr. Chairman, I thought the status quo provided that each Member of a particular standing committee is selected by merit. I think the Striking Committee and the Members of the Assembly know who is able to do a good job on a specific committee. I don't necessarily agree with that having to provide written information explaining the reason why a person is requesting to be on a particular standing committee of the Assembly.

Are we saying, Mr. Chairman, in fact, that what we have done in the past is not good enough? Members are not doing their job on the standing committees. What is happening here? I think we are smart enough to know who...In the past, we appointed membership to each committee and I think we've done a good job. I don't know, but I don't really agree here because that will vote some of the Members down. Perhaps in the next Assembly we will not have all accountants and all lawyers. It seems to me that in order to be on the Standing Committee on Legislation,

you have to be a lawyer. In order to be on the Finance committee, you have to be an accountant. That's my understanding. It doesn't ride well with me. Thank you.

CHAIRMAN (Mr. Lewis):

Mr. Ng.

MR. NG:

Thank you, Mr. Chairman. I would like to ask Mr. Zoe, when the committee was considering this recommendation, did it take into consideration seniority for appointments on committees? Mr. Gargan has suggested that if there were Members who had served previously and were re-elected, they could have the first priority because of the fact that they may not have sat on the committee they wanted to gain experience on, or they had already sat on a committee and they wanted to continue because they were familiar with the workings of that committee. So I would like to ask if that was a consideration in their discussions on this.

CHAIRMAN (Mr. Lewis):

Mr. Zoe.

MR. ZOE:

Mr. Chairman, I'll speak to the motion again. When we discussed the whole issue of committee assignments, we also talked about seniority, but in the context of making it a requirement that seniority would definitely be considered. What we talked about was that when they do make their preference, they should put it in writing to the Striking Committee. They can note that they have previously served on...If they're interested in, for example, legislation, you can put it in your brief to the Striking Committee and say why you're interested. I guess that will fall under the category of experience. You can mention that when you submit your brief to the Striking Committee when they're ready to assign Members to various committees.

CHAIRMAN (Mr. Lewis):

Thanks, Mr. Zoe. To the motion. Anybody else? Mr. Patterson.

MR. PATTERSON:

Thank you, Mr. Chairman. Being a Member of the committee, I would just like to respond to Mr. Ningark's concerns.

Mr. Chairman, I would like to point out to the honourable Member that we referred in the motion to "interest, ability and experience," not education. Had the term "education" been in there, it might have given an advantage to people who had some kind of formal training. But instead, we used the word "experience" which I think acknowledges that in addition to formal education, a Member may have a great deal to offer by way of life experience, employment history, knowledge of the land, knowledge of the languages, culture, having travelled, et cetera.

So I would like to point out that we use the much broader term, which I think is fair to everyone. Thank you.

CHAIRMAN (Mr. Lewis):

Thanks, Mr. Patterson. To the motion.

AN HON. MEMBER:

Question.

CHAIRMAN (Mr. Lewis):

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

---Carried

Mr. Zoe.

Appointment To Committees

Committee Motion 7-12(6): To Adopt Recommendation 7, Carried

MR. ZOE:

Thank you, Mr. Chairman. With regard to appointment to committees. The Standing Committee on Rules, Procedures and Privileges recommends, and I move that committee Members continue to be appointed for the term of the Assembly. Thank you.

CHAIRMAN (Mr. Lewis):

Your motion is in order, Mr. Zoe. To the motion. Mr. Koe.

MR. KOE:

Mahsi. I'm opposed to this recommendation. The whole issue of committees...The reason these recommendations are brought up is for the operation and accountability of the standing committees. One of the issues related to accountability of committees is their ability to do work and do it in the criteria that has been laid out. The rules are now being changed.

Under our system there is no process to review the work of a committee. We're recommending, later on, that the committees submit their goals and objectives, their workplans and that reports are submitted, but there is still no mechanism in our process to review the work of a standing committee. They can review themselves within a committee. We have a process or we adopted a process this term for reviewing the work of Cabinet. We had a mid-term review. Yet, there's no process for reviewing the work of ordinary Members, and our work through the standing committees.

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So I would have liked to have seen at least a mid-term review of standing committees for that reason. I'm opposed to having the Members appointed for the term of an Assembly.

CHAIRMAN (Mr. Lewis):

Thank you, Mr. Koe. Anybody else on this motion? To the motion.

AN HON. MEMBER:

Question.

CHAIRMAN (Mr. Lewis):

Question has been called. Those in favour of this motion? Those opposed? Motion is carried.

---Carried

Mr. Zoe.

Selection Of Committee Chairs

Committee Motion 8-12(6): To Adopt Recommendation 8, Carried

MR. ZOE:

Thank you, Mr. Chairman. With regard to selection of committee chairs, the Standing Committee on Rules, Procedures and Privileges recommends, and I move

that chairs should continue to be selected through a secret ballot election administered by the clerk of the committee.

CHAIRMAN (Mr. Lewis):

The motion is in order. To the motion.

AN HON. MEMBER:

Question.

CHAIRMAN (Mr. Lewis):

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

---Carried

Mr. Zoe.

Committee Discipline

Committee Motion 9-12(6): To Adopt Recommendation 9, Carried

MR. ZOE:

Thank you, Mr. Chairman. Mr. Chairman, with regard to committee discipline. The Standing Committee on Rules, Procedures and Privileges recommends, and I move that the payment of committee indemnities and living allowances be conditional upon attendance at the committee meetings; and further, that committee chairs, and ultimately the committee, be given the authority to discipline a Member of that committee. Thank you.

CHAIRMAN (Mr. Lewis):

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

MR. PATTERSON:

Thank you, Mr. Chairman. I noted Mr. Koe's concerns about accountability and I would suggest that this motion, if it is approved, certainly increases the accountability of committee Members to do their duty. Thank you.

CHAIRMAN (Mr. Lewis):

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

MR. GARGAN:

Mr. Speaker, I support the motion but I would like to make it quite clear that indemnities are paid for the times when you attend the meetings. I find that it is quite unfair that when meetings start at 9:00 am, that in order to get their indemnities some Members will go to the meetings at 12:00 pm or 3:00 pm or something like that. I'm just wondering whether this has already been touched on. I believe committee Members are signed in as soon as they go into a meeting, but if they just show up to get their names checked off and to get paid I don't think that's fair to other Members. I think that should be addressed.

CHAIRMAN (Mr. Lewis):

Thank you, Mr. Gargan. That issue has been addressed further on in this report and we will perhaps be adopting that recommendation. To the motion.

AN HON. MEMBER:

Question.

CHAIRMAN (Mr. Lewis):

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

---Carried

Mr. Zoe.

Legislative Assembly Guidelines For Committees

Committee Motion 10-12(6): To Adopt Recommendation 10, Carried

MR. ZOE:

Thank you. With regard to Legislative Assembly guidelines for committees, the Standing Committee on Rules, Procedures and Privileges recommends, and I move, that the committee guidelines be adopted by the Management and Services Board as policy for the administrative operation of the Legislative Assembly.

CHAIRMAN (Mr. Lewis):

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

MR. ZOE:

Just for Members' information, the guidelines are appendix A to the report, that being proposed to the Management and Service Board for adoption.

CHAIRMAN (Mr. Lewis):

Thanks for that clarification, Mr. Zoe. To the motion.

AN HON. MEMBER:

Question.

CHAIRMAN (Mr. Lewis):

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

---Carried

Your final motion, Mr. Zoe.

Recall Legislation

Committee Motion 11-12(6): To Adopt Recommendation 11, Carried

MR. ZOE:

Thank you, Mr. Chairman. With regard to recall legislation, the Standing Committee on Rules, Procedures and Privileges recommends, and I move, that the government develop a legislative action

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paper on the issue of recall of Members of the Legislative Assembly for tabling in the House.

CHAIRMAN (Mr. Lewis):

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

MR. PATTERSON:

Thank you, Mr. Chairman. I believe it is fair to say that there is an increasing concern about issues such as leadership, conduct and accountability of elected persons, not just in this Legislature but in other organizations. We've seen this reflected in discussions of codes and adoptions of codes of conduct and comments of concerned organizations in recent years.

I would just like to say here, Mr. Chairman, that although there are many complexities to the question of recall -- which are outlined in the questions listed by the committee -- I think there is sufficient concern about the issue of accountability in the Northwest Territories. It would be very helpful if the government were to take this recommendation seriously and produce a legislative action paper which would allow

for public debate to take place on what I consider to be a very important issue.

Mr. Chairman, I'm also aware that a considerable amount of research has been done on this subject by yourself in your capacity as MLA for Yellowknife Centre. We have, at hand, information about what work has been done on this issue in other jurisdictions in Canada and elsewhere. There is quite a bit of good work that has already been done with regard to how systems of recall could work, thanks to your particular interest, Mr. Chairman.

I think it is important to note that the government would not be starting a fresh with this task and that there is quite a body of work that has already been done on the issue. I guess what I am saying is that I don't think it would take a great deal of work to produce a legislative action paper by the next session of the Legislature. I think that would be timely and it would be appropriate that this issue be discussed before the end of the term of the current Assembly.

CHAIRMAN (Mr. Lewis):

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

HON. RICHARD NERYSOO:

While you, Mr. Chairman, support the recommendation, I do want to point out two concerns that we should all be cognizant of. One, despite the work that has already been done, it is important to note that even with all the questions that have already been asked on pages 13 to 14, it is not a very simple process and that it is quite complex. The other point is that we had a major discussion on this matter and one thing that we noted was that while recall may be an important consideration in any future government, that there were very substantive changes occurring in the area of constitutional development that could cause us to rethink the manner in which we govern ourselves and how we deal with the matter of accountability in future government. That was a matter of significant debate. I want you to be aware of that and to put on record the factors that need to be considered in any documentation that is brought forward to our Legislature. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Lewis):

Thank you, Mr. Nerysoo. To the motion. Mr. Ningark.

MR. NINGARK:

Thank you, Mr. Chairman. If we had had this recommendation in place at the outset when we took our seats in this Legislature, the recommendation would ride well with me. Close to the end of this particular 12th Assembly, trying to make life more difficult for future politicians while we make it easy for ourselves does not seem fair. I wish this issue had come up right at the beginning of this 12th Assembly. Then I would have supported it 100 per cent. But having loyalty to the committee of the Legislature that has done very good research, I am sure, I guess I will have to support the recommendation. But it doesn't really seem fair. Thank you.

CHAIRMAN (Mr. Lewis):

Thanks, Mr. Ningark. Anybody else to this motion? Mr. Nerysoo.

HON. RICHARD NERYSOO:

Thank you, Mr. Chairman. I appreciate the concern that the honourable Member for Natilikmiot raised. I think it was one of the major issues of debate that arose when we discussed the nature and the status that we would be giving a document of this significance. Our problem, I think, was it was an issue that was raised with the standing committee, and it was our view that it should not be a standing committee of the Legislature that made final determinations on any method of recall, but rather that there should be public discussion that would allow the general public to have influence on the direction we undertook. So that was why we said that a document could be developed, not necessarily proceeded with by this government, but made available for major public discussion so that the people of the Northwest Territories would have influence on how they would make their Members accountable. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Lewis):

Thanks, Mr. Nerysoo. Anybody else on this motion? Mr. Patterson.

MR. PATTERSON:

Mr. Chairman, just as far as the advisability of doing something later in the term of a government rather than earlier in the term, I would remind Members of this committee that a very important piece of legislation which set up the new conflict of interest rules and modernized that legislation was in fact

passed in the last session of the previous Legislative Assembly.

I think we have to recognize that sometimes it takes some time for these ideas to be formed and to come forward. In this case, I think it's no secret that the issue was discussed at length by Caucus at a workshop held in Fort Smith. It may be surfacing late in the term of the Legislature, but that doesn't mean that it's not an important subject, nor does it mean that it hasn't been discussed frequently by Members to get us to the point where we are today.

So I would hope -- and I'll say it again, that since a lot of work has been done on this issue, including work by current Members and the Legislative Assembly staff -- that a legislative action paper could be produced and be a legacy of this Legislature, rather than deferred to a new Assembly. Thank you, Mr. Chairman.

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CHAIRMAN (Mr. Lewis):

Thanks, Mr. Patterson. Is the discussion on this concluded? Is there anybody else who wants to speak?

AN HON. MEMBER:

Question.

CHAIRMAN (Mr. Lewis):

Question has been called. Those in favour? Those opposed? The motion is carried.

---Carried

Does that conclude your report, Mr. Zoe?

MR. ZOE:

Thank you, Mr. Chairman. That concludes the issues that were referred by Caucus to the Standing Committee on Rules, Procedures and Privileges. Thank you.

CHAIRMAN (Mr. Lewis):

Thank you very much, Mr. Chairman. Does the committee agree that we've finished with this item?

SOME HON. MEMBERS:

Agreed.

---Agreed

CHAIRMAN (Mr. Lewis):

What's the wish of the committee? What would you like to do? Mr. Dent.

MR. DENT:

Mr. Chairman, I'd like to recommend that we consider Bill 4.

CHAIRMAN (Mr. Lewis):

Does the committee agree we should deal with Bill 4?

SOME HON. MEMBERS:

Agreed.

---Agreed

Bill 4: An Act To Amend The Liquor Act

CHAIRMAN (Mr. Lewis):

We're on Bill 4, then. Mr. Nerysoo, I believe that you are sponsoring this particular bill, so do you have any introductory comments?

Minister's Introductory Remarks

HON. RICHARD NERYSOO:

Thank you, Mr. Chairman. At the conclusion of my statement, if it's the wish of the House, I have the deputy minister available for participation in committee of the whole.

I am pleased to present, today, the matter of dealing with Bill 4, An Act to Amend the Liquor Act. One of the substantive amendments to this bill has come about as the result of concerns raised by communities in the Northwest Territories. These concerns centre on the issue of local control of liquor through plebiscites.

A number of communities have approached the department to express their concern about the range of options presently available under the Liquor Act for the control of liquor after a licensed establishment has been operating for a number of years. In many cases, the concerns raised by communities are an indication of the growing maturity of the communities, especially their growing determination to gain control of liquor problems. These communities have told us

that they want to have the ability to gain greater control of the sale and consumption of liquor.

The amendments we are putting forward will enable a community with a licensed premise to hold a plebiscite to create an alcohol education committee in communities where licensed premises already exist. The committee cannot use this form of plebiscite to shut down a licensed establishment and, indeed, that may not be of primary concern because licensed premises have strict rules about the serving of liquor and the licence holder must abide by these rules or risk losing their licence entirely.

The amendment will certainly enable the community to gain greater control over who may consume liquor and how much they may consume privately -- that is outside a licensed premises.

A second substantive amendment came about as a result of concern within the department about ministerial prohibition orders. When communities decide to hold special events such as arts festivals, regional local sporting events, or special cultural or religious activities, they often seek a special order of the Minister prohibiting the sale or consumption of alcohol. Until now, the ability to enforce such prohibitions did not exist.

With the amendments we are putting forward today, ministerial orders prohibiting the sale and consumption of alcohol in designated geographical areas for set periods of time will be enforceable.

The other amendments contained in Bill 4 can be characterized as administrative in nature. I would highlight one amendment in this category: section 8, which amends section 85 of the act, which deals with supplying alcohol to persons under 19 years of age. This amendment came about as a result of an unsuccessful prosecution concerning the sale of liquor to a person under the age of 19 years. The judge in the case relied on the current wording of the section which essentially prevented the conviction of the accused. The amendments we are putting forward will close that loophole.

Although the changes we are proposing to the Liquor Act are relatively minor, they will help us administer the act more fairly until we are able to bring about a whole new statute, hopefully within this next year. Thank you very much, Mr. Chairman. I am ready to answer the questions of the committee.

CHAIRMAN (Mr. Lewis):

First of all, I believe we have a report from the chairman of the standing committee that reviewed the bill. After that, maybe you can bring your witnesses in. Mr. Gargan.

Standing Committee On Legislation Comments

MR. GARGAN:

Thank you, Mr. Chairman. The standing committee has reviewed Bill 4, An Act to Amend the Liquor Act. The committee began its deliberations on May 16, 1994 and travelled to Fort Smith. Some of the Members went to Iqaluit and Yellowknife for public hearings.

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The committee is satisfied that amendments to the Liquor Act will enable greater community participation and control in liquor restrictions. The committee feels that the bill broadens the act to protect current licence holders, but will grant the people in the communities more flexibility to deal with alcohol, so long as it does not impact on the licence holder.

The committee supports the bill because it enhances the ability to enforce ministerial orders prohibiting the sale and consumption of liquor during special events in the community. Further, the committee is in unanimous support of the change making the serving of a minor a strict liability offence.

However, the committee did have questions regarding enforcement components of the Liquor Act and was disappointed that this bill did not address this issue. The committee was informed by the Minister that a new statute was being developed that would address the enforcement issue. Its completion is anticipated within the next two years. The committee supports the amendments proposed in this bill and, on May 31, 1994, passed a motion that this bill is ready for consideration in committee of the whole.

CHAIRMAN (Mr. Lewis):

Thank you, Mr. Gargan. The Minister has asked if he could bring in witnesses. Do you agree?

SOME HON. MEMBERS:

Agreed.

--Agreed

CHAIRMAN (Mr. Lewis):

Mr. Nerysoo, maybe you could introduce your witnesses for us, please.

HON. RICHARD NERYSOO:

Thank you, Mr. Chairman. On my right is Mr. John Quirke, who is the deputy minister. On my left is Shawn Flynn, who is the legislative counsel.

CHAIRMAN (Mr. Lewis):

Thank you, Mr. Nerysoo. Are there general comments from Members on this bill? Mr. Patterson.

General Comments

MR. PATTERSON:

Thank you, Mr. Chairman. Mr. Chairman, I have no problem proceeding with the bill today, but I think it is important to note that the review that is under way now -- and a meeting was just held in my constituency -- may well lead to changes that will supersede even these amendments. For example, there is a body of opinion in my constituency that the drinking age should be raised from 19 to 21. There is a strong feeling that there should be greater community control, even to the point of granting communities the authority to approve and police licences.

I realize, Mr. Chairman, that the timetable for preparing major amendments and an overhaul of the Liquor Act is that work would be done in time to present recommendations to the next Legislative Assembly. I am not saying we should prevent these amendments from going ahead because that review is under way. I think it should be noted on the record now, that this whole act may be radically revised as a result of the review process and public hearings which are now under way and will be held following the legislative action paper, which I think the Minister is committed to tabling by the next session.

So we should approve these amendments with that in mind; that, in fact, 19 may become 21 and there may be a whole new licensing regime. Having said that, I am pleased to approve these amendments. If I have described the consultation process wrong, I am sure the Minister will straighten that out, but it is as I understand it. Thank you.

CHAIRMAN (Mr. Lewis):

General comments. Are you ready to go clause by clause? Mr. Antoine.

MR. ANTOINE:

Thank you, Mr. Chairman. I just wanted to get some clarification on this amendment to the Liquor Act. In the summary there was reference to the holding of a plebiscite. I would like to ask the Minister, what is the current law with regard to holding a plebiscite, and what is the intention of this amendment? Thank you.

CHAIRMAN (Mr. Lewis):

Thank you, Mr. Antoine. Mr. Minister.

HON. RICHARD NERYSOO:

Thank you, Mr. Chairman. I will ask Mr. Quirke to respond to the issue of the present process.

CHAIRMAN (Mr. Lewis):

Mr. Quirke.

MR. QUIRKE:

Thank you, Mr. Chairman. The present process is defined, in part, in section 48 of the Liquor Act. Presently, 20 qualified voters in a settlement can petition the Minister to hold a plebiscite to become aware whether the consumption and purchase, sale or transport of alcohol should be restricted or prohibited.

The act also goes on to say that if a licensed premises exists in a settlement, there cannot be a plebiscite. This amendment allows that a plebiscite can be held in those communities where a licensed premises now exists. The only stipulation is that a plebiscite cannot change the operation of the licensed premises that exists there now. Thank you.

CHAIRMAN (Mr. Lewis):

Mr. Antoine.

MR. ANTOINE:

The petition that will trigger a plebiscite...Now it requires a number of signatures to be on the plebiscite. I would like to ask the Minister how many signatures are required for a plebiscite to be held?

CHAIRMAN (Mr. Lewis):

Mr. Nerysoo.

HON. RICHARD NERYSOO:

Thank you. The present requirement is 20 signatures; those who are eligible to vote.

CHAIRMAN (Mr. Lewis):

Thank you, Mr. Nerysoo. Mr. Antoine.

MR. ANTOINE:

Are there going to be any changes in the amendment with regard to the number of signatures? As you know, in the north there are different communities of different sizes; from 15,000, 1,000 or anywhere in between. And 20 signatures in Yellowknife to trigger a plebiscite, in a community of 15,000, is kind of unreasonable. Has the Minister looked at that situation?

CHAIRMAN (Mr. Lewis):

Mr. Nerysoo.

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HON. RICHARD NERYSOO:

Those are part of the discussions that are now taking place in terms of the overall amendments to introducing a new Liquor Act to the House. That is the process that is now taking place. We are trying to change the situation where we are going to allow plebiscites in areas where communities already have licensed establishments. That situation doesn't exist right now. There have been a number of requests made in communities that have liquor establishments. That is the issue we are trying to address at this particular juncture.

The overall issue, or the larger picture of the total number of signatures that can be submitted for a plebiscite, can be a matter of discussion in the consultation process.

CHAIRMAN (Mr. Lewis):

Thank you, Mr. Nerysoo.

MR. ANTOINE:

(Microphone turned off)...with regard to the sale of liquor to 19-year-olds and that a strict liability offence will be made if liquor is sold to people of 19 years of age or less. What is the strict liability offence? Is it currently in place or is this strict liability something new?

CHAIRMAN (Mr. Lewis):

Thank you. Mr. Nerysoo.

HON. RICHARD NERYSOO:

If I could ask Mr. Flynn to address that technical issue.

CHAIRMAN (Mr. Lewis):

Mr. Flynn.

MR. FLYNN:

Thank you, Mr. Chairman. Currently, section 85(1) of the Liquor Act requires the element of pre-knowledge in the dispensation of liquor. A bartender must know that the person he is serving is under age in order for prosecution to proceed and be successful. We are proposing to remove the requirement of "knowingly," and when that word is taken out, the offence provision becomes what is known in law as a strict liability offence provision. It means that it is not an intended crime, but one of negligence. It means that they didn't fulfil the duties, those reasonable precautions that anyone knowing the requirements of being a proper bartender knows. They didn't ask for proof of age, or they didn't see that the person looked very young and didn't ask questions. Prosecution can then proceed saying prima facie, we've established that you've sold to this person and now the onus is on the individual to prove that they took reasonable measures to find out the person's age and so on. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Lewis):

Thank you. We have Mr. Patterson and then Mr. Ng. Mr. Patterson.

MR. PATTERSON:

Thank you, Mr. Chairman. On the matter of local plebiscites, I would like to ask the Minister whether the establishment or non-establishment of a liquor store is something that is governed by the Liquor Act, or is it something that can be the subject of a community plebiscite? Thank you.

CHAIRMAN (Mr. Lewis):

Mr. Nerysoo.

HON. RICHARD NERYSOO:

Thank you, Mr. Chairman. Liquor stores are under the jurisdiction of the Minister and no plebiscite is required. The Minister has complete jurisdiction in that particular area.

CHAIRMAN (Mr. Lewis):

Thank you. Mr. Ng.

MR. NG:

Thank you, Mr. Chairman. This bill is going to deal with providing more effective enforcement of some of the provisions of the current act. When is the department going to look at further amendments and the placement of additional enforcement clauses to counter the bootlegging that occurs in the communities?

CHAIRMAN (Mr. Lewis):

Mr. Nerysoo.

HON. RICHARD NERYSOO:

Thank you, Mr. Chairman. There are a number of issues. I was hoping that I would get an opportunity to deal with the whole matter of the liquor law review process that is now occurring. Many of the issues that you are addressing right now are issues that can be addressed under the new legislation. What I was hoping to do was to address that separate issue, which is not part of this legislation now, in a Minister's statement where I can outline the process, the consultations that have taken place and the additional consultation that is going to take place.

From the liquor law review, will come a legislative action document that will be available to the public to ensure it responds to the concerns that you have raised, dealing with such issues as unlawful sale of liquor and the issue of greater community control. Those are issues that I would like to make a statement about because I think it is important that Members of the Assembly and the general public get an idea of the process to date and where we are going to go with this. It is a separate issue. We are going to develop a whole new Liquor Act as a result of those consultations.

CHAIRMAN (Mr. Whitford):

Thank you, Mr. Minister. The Member for Natilikmiot, Mr. Ningark.

MR. NINGARK:

Thank you, Mr. Chairman. Mr. Chairman, I'm glad my colleague from the Kitikmeot, the honourable Mr. Ng, raised the issue of bootlegging, which is a concern especially in dry communities. I live in Pelly Bay which has been dry for many, many years. Time and time again the elders, the hamlet council and concerned residents of the community have brought up the issue of having strict enforcement of liquor prohibition. People bring in liquor from non-dry communities. Is there any way that the enforcement agency can help the community?

We have met with Justice people and enforcement agencies such as the RCMP time and time again but we are told that, because of the Canadian Individual Charter of Rights, there is no way an enforcement officer could check incoming aircraft to see if people are bringing liquor into the community. Any dry community is only a technically dry community. There is no such thing as a community being totally dry. Part of the problem, Mr. Chairman, happens to be that there is need for more strict enforcement in the community. How we propose to deal with that matter, I don't know. I hope there will come a day when we will be able to see a dry community be a dry community. Thank you.

CHAIRMAN (Mr. Whitford):

Thank you, Mr. Ningark. Any more comments? Does the committee agree that we go clause by clause?

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SOME HON. MEMBERS:

Agreed.

---Agreed

Clause By Clause

CHAIRMAN (Mr. Whitford):

Clause one.

SOME HON. MEMBERS:

Agreed.

---Agreed

CHAIRMAN (Mr. Whitford):

Clause two.

SOME HON. MEMBERS:

Agreed.

---Agreed

CHAIRMAN (Mr. Whitford):

Clause three.

SOME HON. MEMBERS:

Agreed.

---Agreed

CHAIRMAN (Mr. Whitford):

Clause four.

SOME HON. MEMBERS:

Agreed.

---Agreed

CHAIRMAN (Mr. Whitford):

Clause five.

SOME HON. MEMBERS:

Agreed.

---Agreed

CHAIRMAN (Mr. Whitford):

Clause six.

SOME HON. MEMBERS:

Agreed.

---Agreed

CHAIRMAN (Mr. Whitford):

Clause seven.

SOME HON. MEMBERS:

Agreed.

---Agreed

CHAIRMAN (Mr. Whitford):

Clause eight.

SOME HON. MEMBERS:

Agreed.

---Agreed

CHAIRMAN (Mr. Whitford):

Clause nine.

SOME HON. MEMBERS:

Agreed.

---Agreed

CHAIRMAN (Mr. Whitford):

Clause ten.

SOME HON. MEMBERS:

Agreed.

---Agreed

CHAIRMAN (Mr. Whitford):

The bill as a whole.

SOME HON. MEMBERS:

Agreed.

---Agreed

CHAIRMAN (Mr. Whitford):

Does the committee agree that Bill 4, An Act to Amend the Liquor Act, is now ready for third reading?

SOME HON. MEMBERS:

Agreed.

---Agreed

CHAIRMAN (Mr. Whitford):

Bill 4 is now ready for third reading. I would like to take this opportunity to thank the Minister and his witnesses for appearing before the committee. Thank you.

What is the wish of the committee? The chair recognizes the Member for Yellowknife Frame Lake, Mr. Dent.

MR. DENT:

Mr. Chairman, I move we report progress.

CHAIRMAN (Mr. Whitford):

There is a motion on the floor to report progress. The motion is not debateable. All those in favour? All those opposed? The motion is carried. I shall rise and report to the Speaker.

MADAM SPEAKER:

I will call the House back to order. Item 19, report of committee of the whole. The honourable Member for Yellowknife South, Mr. Whitford.

ITEM 19: REPORT OF COMMITTEE OF THE WHOLE

CHAIRMAN (Mr. Whitford):

Thank you, Madam Speaker. Madam Speaker, in your absence, your committee has been considering Committee Report 2-12(6) and Bill 4, and would like to report progress that Committee Report 2-12(6) is concluded with 11 motions being adopted and that Bill 4 is now ready for third reading. Madam Speaker, I move that the report of committee of the whole be concurred with.

MADAM SPEAKER:

Thank you. Is there a seconder for that motion? The honourable Member for Kitikmeot, Mr. Ng. All those in favour? All those opposed? Motion is carried.

---Carried

Item 20, third reading of bills. Mr. Clerk, item 21, orders of the day.

ITEM 21: ORDERS OF THE DAY

CLERK OF THE HOUSE (Mr. Hamilton):

Madam Speaker, there will be a meeting of the Standing Committee on Agencies, Boards and Commissions at 9:00 am tomorrow morning, as well as the Ordinary Members' Caucus at 10:30 am.

Orders of the day for Thursday, October 6, 1994.

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1. Prayer
2. Ministers' Statements

3. Members' Statements
4. Returns to Oral Questions
5. Recognition of Visitors in the Gallery
6. Oral Questions
7. Written Questions
8. Returns to Written Questions
9. Replies to Opening Address
10. Petitions
11. Reports of Standing and Special Committees
12. Reports of Committees on the Review of Bills
13. Tabling of Documents
14. Notices of Motion
15. Notices of Motions for First Reading of Bills
16. Motions
17. First Reading of Bills
18. Second Reading of Bills
19. Consideration in Committee of the Whole of Bills and Other Matters
 - Tabled Document 14-12(6), "Open for Business," Privatizing the Northwest Territories Power Corporation
 - Minister's Statement 11-12(6), Return to Session
 - Committee Report 4-12(6), Report on Bill 6 - Access to Information and Protection of Privacy Act
 - Bill 2, Aboriginal Custom Adoption Recognition Act
 - Bill 3, Guardianship and Trusteeship Act
 - Bill 6, Access to Information and Protection of Privacy Act
 - Bill 7, An Act to Amend the Arctic College Act

- Bill 8, An Act to Amend the Public Utilities Act

- Bill 9, An Act to Amend the Charter Communities Act

- Bill 10, An Act to Amend the Cities, Towns and Villages Act

- Bill 11, An Act to Amend the Hamlets Act

- Bill 12, An Act to Amend the Commissioner's Land Act

20. Report of Committee of the Whole

21. Third Reading of Bills

- Bill 4, An Act to Amend the Liquor Act

22. Orders of the Day

MADAM SPEAKER:

Thank you. This House stands adjourned until Thursday, October 6th at 1:30 pm.

---ADJOURNMENT

THURSDAY, OCTOBER 6, 1994