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**Speaker: The Hon. Jeannie Marie-Jewell**

**THURSDAY, OCTOBER 6, 1994**

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**MEMBERS PRESENT**

Mr. Allooloo, Mr. Antoine, Hon. Silas Arngna'naaq, Mr. Arvaluk, 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. Pudluk, Hon. John Todd, Mr. Whitford, Mr. Zoe

**ITEM 1: PRAYER**

---Prayer

**MADAM SPEAKER (Hon. Jeannie Marie-Jewell):**

Good afternoon. Item 2, Ministers' statements. The honourable Member for Mackenzie Delta, Mr. Nerysoo.

**ITEM 2: MINISTERS' STATEMENTS**

Minister's Statement 15-12(6): Federal Social Security Reform

**HON. RICHARD NERYSOO:**

Thank you, Madam Speaker. In July, Madam Speaker, we released a paper called Creating Choices: Solving the Income Support Puzzle, which emphasized the need for reform of our income support programs and to link income support programs to jobs and training, so that we could make the best use of available money. We have stated that we wanted to put a northern face on the national reform of social assistance and unemployment programs. We want to show leadership in this necessary reform effort and shift the focus of income support towards more community responsibility and choice. We also know that people want to see all of these programs available in one office, and Cabinet has given my department authority to negotiate a three-year labour force agreement, with the support of the federal government, which would help make that happen.

Further, Madam Speaker, in early August, the Honourable Ethel Blondin, Minister of State and myself, announced a two-year, \$8 million cost-shared pilot program aimed at career counselling, job

preparation, skill training and community works projects for employables on social assistance.

Madam Speaker, on Wednesday, October 5th, the Minister of Human Resources Development Canada, the Honourable Lloyd Axworthy, released a discussion paper on Improving Social Security Reform in Canada. The three main objectives of the reform being proposed are: helping Canadians find and keep employment; providing support for those most vulnerable; and, ensuring programs are fair, affordable and effective. The paper sets out what the federal government sees as the major issues and challenges for social security across Canada and emphasizes options for reform in three areas: working, learning and security.

This paper will be used by Minister Axworthy's department and the Standing Committee on Human Resources Development as the basis for public consultation over the next few months. Madam Speaker, I have already written the committee chair and invited the committee to visit and consult with people in the north. The federal government expects that the committee will report on the consultation in February, 1995, after which there would be formal discussions between federal, provincial and territorial governments. They anticipate that federal social security reform legislation will be introduced in the spring or fall of 1995.

The focus of this paper is on reforming federal programs: unemployment insurance; federal support for employment such as the Canadian jobs strategy program; support for post-secondary education through transfers to provinces and territories; the Canada student loans program, the Canada assistance plan; child benefits; and, vocational rehabilitation of disabled persons program. The paper emphasizes that reform is essential, given the fiscal realities facing governments in Canada. It states that there will not be any new money for new programs and that existing expenditures must be brought under control, and in some cases reduced.

To meet the objective of helping people find and keep jobs, the federal government is proposing that Canada needs to enhance career assessment and counselling, provide better labour market information and improve basic skill training. The paper says that employers have to play a greater role in training and we have to be innovative in our approaches. It also states that community and local needs have to be recognized, and that we have to eliminate inefficiencies and provide single-window offices for UI,

training, social assistance and other labour market programs.

The federal paper also talks about designing a new employment insurance program which would provide basic insurance for occasional claimants and adjustment insurance for frequent claimants. It suggests a pilot approach to improve coverage of non-standard work and discusses questions regarding premium reduction and premium rebates for training.

To meet the needs of working parents, the federal government proposes to improve the access to child care. Federal officials have already had preliminary discussions with my department about our early childhood program and possibilities for increased federal support in the future.

The paper also recognizes that lifelong learning is key to economic success, and suggests possible approaches to maintaining a stable level of support for post-secondary education. It identifies school to work transition, making learning more portable, and taking full advantage of new learning technologies as ways of encouraging learning.

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The federal government is also recognizing society's commitment to take care of the most vulnerable in society. As a result, they propose in this paper to remove barriers to work while ensuring support for persons unable to work. They are proposing to provide better support for low-income families with children, and increased access to employment services for people receiving social assistance.

Above all, the federal government is announcing that reform is essential and will occur. Last February, the federal budget included measures to reduce UI spending by \$2.4 billion annually and noted that further significant savings in UI spending would result from social security reform. It has advised that social assistance payments will be capped, which will reduce payments to our government of an estimated \$3 million over the next two years. The paper also proposes to cap financing for post-secondary education, which will result in increased tuition fees and the cost of education. However, the good news is that the federal government has committed to work with the provinces and territories to develop a process for discussions on social security reform. They want to enable governments to move forward with reform when the consultation is completed.

Income support reform is critical in the Northwest Territories, and we are developing an approach which recognizes the needs and priorities of people in communities. I will be tabling our government's discussion document and providing MLAs with a copy of the federal paper early next week. Thank you, Madam Speaker.

---Applause

**MADAM SPEAKER:**

Thank you. Item 2, Ministers' statements. The honourable Member for Mackenzie Delta, Mr. Nerysoo.

Minister's Statement 16-12(6): Mine Health And Safety Act

**HON. RICHARD NERYSOO:**

Thank you, Madam Speaker. I am pleased to inform you and the Members of this House, that I have today conveyed the report of the Mine Occupational Health and Safety Board on Bill 5, Mine Health and Safety Act, to the honourable Member for Deh Cho, Mr. Gargan, in his capacity as chairperson of the Standing Committee on Legislation.

Members of this House will know that the Standing Committee on Legislation held hearings on Bill 5 and at the conclusion of those hearings, recommended that I immediately convene the Mine Occupational Health and Safety Board to review Bill 5 and the transcripts of the public hearings. And further, that I provide the standing committee with the report of the Mine Occupational Health and Safety Board by October 10, 1994.

Madam Speaker, on receipt of the standing committee's recommendation, I immediately appointed four new members to the Mine Occupational Health and Safety Board. Those members are Mr. Andrew King, representing workers from the national office of the United Steelworkers of America; Mr. Lance Flewellyn, represent management from Royal Oak Mines; and, two members knowledgeable in mining, Mr. Peter Sangris, a miner resident in Dettah and Mr. Jim Marshall from Strathcona Mineral Services Ltd., Nanisivik Mines. The chairman, pursuant to the provisions of the Mining Safety Act is the chief inspector of mine safety, Mr. Dave Turner.

I am delighted to report that the Mine Occupational Health and Safety Board immediately met, and the

resulting report on Bill 5 is unanimous in recommending the bill, with a few minor amendments, which I strongly support.

With your indulgence, Madam Speaker, and honourable Members, I wish to give full credit to Mr. Gargan and the Members of the standing committee and its staff, for the remarkable care and attention they demonstrated in their review of Bill 5. They provided me with wise counsel and this has resulted, I believe, in the fine quality of legislation which will, I hope, shortly come before this House for your consideration. Thank you, Madam Speaker.

--Applause

**MADAM SPEAKER:**

Thank you. Item 2, Ministers' statements. The honourable Member for Baffin Central, Ms. Mike.

Minister's Statement 17-12(6): Community Government Week

**HON. REBECCA MIKE:**

Thank you, Madam Speaker. I would like to take this opportunity to inform the Members of this House about a positive initiative the Department of Municipal and Community Affairs has been part of to promote and encourage community government in the north.

Last week was community government week, from September 26th to October 2nd. Each year, the department, in association with the NWT Association of Municipalities and the Association of Municipal Administrators, team up to promote events for this week.

This year, the theme for community government week was developing an enterprising spirit. We selected the theme to highlight and pay special tribute to local organizations, clubs, private entrepreneurs, development corporations who improve the quality of life in their community with innovative solutions to stimulate the local economy.

Madam Speaker, it is extremely important that we continue to endorse community-based activities, new economic ventures, the creation of new community transfer initiatives and foster positive intergovernmental relationships with one another. And one way of doing that is to encourage municipal councils, local groups and organizations to devote

one week every year to reflect on the tremendous amount of progress our communities are making in controlling their future.

Communities from east and west participated. To highlight just a few activities:

- Most communities held an open house of their community offices and offered tours of other community facilities;
- In Coppermine, a presentation was made to the school children on the roles and responsibilities of council and 257 people turned out for the open house and tour of facilities.
- Clyde River council had a phone-in show on the local radio station each evening which was so successful a public display of council activities is being planned for the offices.
- Cape Dorset held a variety of activities to familiarize residents and school students on the expanded community responsibilities as a result of this government's community transfer process.
- Iqaluit held radio quizzes about the community and offered donated prizes.
- Igloodik had a community parade, feast and poster contest for children.
- In Aklavik, students and residents attended open houses at the hamlet office and firehall, and rides on the fire truck were highlights for most children.
- Yellowknife sponsored guided tours of all city facilities and worked closely with the local chamber of commerce and the Yellowknife economic development authority.
- School students visited the town's office in Norman Wells and community staff visited students in their classrooms to talk about community government.

Community government week has indeed been a special opportunity to celebrate the achievements of each community government of the Northwest Territories.

In closing, I would like to thank the NWT Association of Municipalities and executive director, Yvette Bungay, and the Association of Municipal Administrators of the NWT representative Joe Kronstal, from the city of Yellowknife, who worked countless hours with the staff from MACA and

Education, Culture and Employment to make community government week an outstanding success. Thank you.

---Applause

**MADAM SPEAKER:**

Thank you. Item 2, Ministers' statements. The honourable Member for Mackenzie Delta, Mr. Nerysoo.

Minister's Statement 18-12(6): Literacy Recognition Awards

**HON. RICHARD NERYSOO:**

Madam Speaker, as we know, this is literacy week. The week provides an opportunity to think about the importance of literacy in our day-to-day lives and the role it plays in strengthening our society. The ability to read and write is essential to prepare for a job and is the first step in lifelong learning and education.

Language also plays an important role in maintaining culture. Literacy in our aboriginal languages is critical if we are to maintain our values and traditions and ensure our languages have a valid place within northern society.

The NWT Literacy Council has made great strides in promoting literacy in all our official languages. This year they have embarked on two innovative publishing projects, one in the Dogrib language and one in Inuktitut. Efforts such as these ensure that our aboriginal languages remain vital.

During literacy week, we have an opportunity to celebrate the achievements of individuals whose dedication to literacy makes them role models for their communities.

Each year, we recognize those who have demonstrated outstanding commitment to improving their personal level of literacy or who have worked to promote and foster literacy within their community.

Today, I am pleased to announce this year's recipients of the literacy recognition awards. Five individuals from across the Northwest Territories are being recognized.

First, I wish to honour two women nominated by the Rankin Inlet community learning centre staff, Margaret Kannak and Pat Aklunark. I had the privilege of presenting these awards in person at the

recent opening of the new community learning centre in Rankin Inlet.

Margaret Kannak is being recognized for her dedication and perseverance in overcoming extraordinary challenges to complete the Adult Basic Education English curriculum. She is a source of inspiration for others in her community who wish to complete their education.

Pat Aklunark is being recognized for her work as the student coordinator for three highly successful AIDS awareness plays which toured communities in the Keewatin region. She has also made remarkable gains in her personal level of literacy and has encouraged others to pursue their education. Pat is an excellent role model and has demonstrated leadership through her work at the Community Learning Centre.

The Colville Lake School nominated Edward Oudzi for his efforts in continuing the Hareskin language program at the school. Despite being hearing impaired, Edward has successfully maintained the students' interest in learning their dialect. His remarkable courage and caring make him a strong role model in the community of Colville Lake.

Gord McSwain of Yellowknife was nominated by the Tree of Peace Friendship Centre for his exemplary efforts as a student in the adult education program. Gord has greatly improved his reading and writing skills over the past year and has stated that he is looking forward to reading with his new son. He has demonstrated a commitment to improving his level of literacy as well as that of his family. Gord provides an excellent example to his peers, both at the Tree of

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Peace and in the larger community.

Finally, I am honoured to recognize Edna Elias of Cambridge Bay for her work on behalf of literacy, throughout the Northwest Territories. Edna was nominated by the Northwest Territories Literacy Council, the organization she founded and served as its first president. Edna has demonstrated a commitment to the cause of literacy as both a dedicated learner and a facilitator of other people's learning. As I indicated, these are people who are excellent role models and I want to congratulate them as being this year's recipients for awards. Thank you, Madam Speaker.

---Applause

**MADAM SPEAKER:**

Thank you. Item 2, Ministers' statements. Item 3, Members' statements. The honourable Member for Kitikmeot, Mr. Ng.

ITEM 3: MEMBERS' STATEMENTS

Member's Statement On Housing Needs Of Unorganized Communities

**MR. NG:**

Thank you, Madam Speaker. Madam Speaker, there are two unorganized communities in my constituency. They are Umingmaktok with approximately 60 residents and Bathurst Inlet with 22 residents. These unorganized communities have no official recognition under GNWT programs as they have no local council to represent them. Their interests are addressed on an ad hoc basis through the Cambridge Bay regional offices of the GNWT. They receive basic government services. Health services are provided via a lay dispenser through radio contact with the Cambridge Bay Health Centre. Bi-monthly health clinics are held by health personnel from Cambridge Bay and annual visits are carried out by dental and eye teams and by the regional physician. Social workers visit the communities on an annual basis while monthly social assistance requirements are attended to on an automatic basis. Over the past several years, housing needs through the NWT Housing Corporation's alternate housing program have addressed some of the housing requirements for residents of Umingmaktok.

However, Madam Speaker, the residents of Bathurst Inlet have been ignored with respect to housing needs. Most of the five existing housing units are over 25 years old. Two units are old northern rental units written off by the Cambridge Bay Housing Association and shipped to Bathurst Inlet in the late 1980s. Of the units constructed in the community, the most recent was completed in the early 1970s. All of these units are in poor condition requiring major upgrading or replacement to meet current residents' needs.

Madam Speaker, I urge the Minister of the Housing Corporation to extend the availability of this program to residents of Bathurst Inlet in order to address their housing needs. Koana.

---Applause

**MADAM SPEAKER:**

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

Member's Statement On Midwifery In The North

**MR. PUDLAT:**

(Translation). Thank you, Madam Speaker. I rise today to present to you my Member's statement. I, myself, have come into this world through midwifery practices. I'm probably not the only person who has come into this world like this. I was requested by the Baffin Regional Health Board to bring this to your attention. Midwifery has been a practice of the Inuit communities for a long time. I think it's a known fact that midwifery can be successful in some communities. I think in the other communities in the Keewatin region, midwifery has been practised and also it has been practised in the Northern Quebec communities.

I think we have to plan to have midwifery in other parts of the north such the Baffin Region. Madam Speaker, I think we have to plan ahead for midwifery to take place in other parts of the northern communities. Thank you, Madam Speaker.

---Applause

**MADAM SPEAKER:**

Thank you. Item 3, Members' statements. The honourable Member for Tu Nedhe, Mr. Morin.

Member's Statement On Election In Fort Resolution

**HON. DON MORIN:**

Thank you, Madam Speaker. It is with a great deal of pleasure that I rise today to congratulate the newly-elected chief and band council in Fort Resolution. Yesterday, the community elected Mr. Don Balsillie as their chief and Robert Sayine, Danny Beaulieu, Paul Boucher, Louis Balsillie, and Laura Edjericon as their team of councillors.

I have spoken to the new chief and he is committed to ensuring that the community works together through consolidation. He intends to develop a workplan to address the concerns and priorities, working towards and with involvement of the whole community, his open-door policy will ensure the common goals are both attainable and met. I am committed to working

with Don and the council for the benefit of all our constituents.

Finally, I would like to express my appreciation to the out-going Chief Bernadette Unka for her hard work and dedication over the past six years. Also a sincere thank you to the councillors who served under Bernadette for a job well done. Thank you.

---Applause

**MADAM SPEAKER:**

Thank you. Item 3, Members' statements. The honourable Member for Aivilik, Mr. Arvaluk.

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Member's Statement On Dispute In Coral Harbour

**MR. ARVALUK:**

Thank you, Mr. Speaker. Sorry, Madam Speaker; I think I'm the first one to make that mistake. I apologize for not being in the House yesterday, but I was required to be in my home community of Coral Harbour to deal with an urgent issue.

I will not go into details of the situation, but simply inform this House that it has to do with the serious breakdown in communication and an unacceptable working relationship between the residents of Coral Harbour and the personnel of the local RCMP detachment.

I attended the meetings with the hamlet council and the public earlier on, senior officials of the Department of Justice and the RCMP G Division headquarters in an attempt to find a solution to some very serious and complicated issues. I am happy to report that the situation was resolved to the satisfaction of the parties involved, thanks to the effort and determination of the community members, RCMP and the Department of Justice.

One RCMP member has already left the community and the Justice of the Peace resigned on Tuesday. Especially recognizing and respecting community government week, this goes to show our respective constituencies that if community members are involved in trying to resolve issues that affect them, problems will be dealt with effectively and efficiently. Qujannamiik.

**AN HON. MEMBER:**

Hear, hear.

---Applause

**MADAM SPEAKER:**

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

Member's Statement On Recognition Of David Kootook

**MR. NINGARK:**

Thank you, Madam Speaker. Madam Speaker, I stand before this House with mixed feelings as I make this statement. I am sad because of a tragedy that happened 22 years ago. On the other hand, I am very honoured to make this statement because a young boy is finally recognized.

Madam Speaker, it was 22 years ago when a young Inuk boy heroically saved the life of injured bush pilot Martin Hartwell. This young 14-year-old boy was David Kootook from Taloyoak.

If Members will recall, David Kootook was being flown to the hospital in Yellowknife from Cambridge Bay, suffering from severe stomach pains. The plane crashed approximately 415 kilometres north of Yellowknife. Even though he was in great pain, David Kootook cared for the injured pilot for 23 days before giving way to hunger. After 22 years, I am honoured to say, Madam Speaker, that David Kootook has finally been recognized. He is recognized for thinking of others before himself and for his determination. His actions bring honour to us all.

On September 30th, an awards ceremony was held at Le Citadel in Quebec City. His mother, Mabel Kootook, and his young brother, Kovalaq, received the meritorious service cross on his behalf. The meritorious service cross award honours the performance of a deed or activity performed in a highly professional manner or of a very high standard that brings benefit and honour to Canada.

David Kootook is a hero, Madam Speaker, but his award is more than one boy's achievement. His courage and resolve will light the way for all Canadians. His humanity is a symbol by which we can all strive to better ourselves and our treatment of our fellow men. Thank you.

---Applause

**MADAM SPEAKER:**

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

Member's Statement On Literacy Week

**MR. ALLOOLOO:**

Thank you, Madam Speaker. As the Minister of Culture has said, this week has been proclaimed as literacy week by the NWT Literacy Council, with much participation by other community groups and government. The theme this year is "reading can take you anywhere."

Last year, 26 communities were involved with over 8,500 readers registering. Colville Lake had the highest rate of participation, with 100 per cent of the people in the community participating.

Individual communities have also planned activities. For example, in my community of Igloodik, the school has obtained some of the old pictures...

**MADAM SPEAKER:**

Excuse me.

**MR. ALLOOLOO:**

Madam Speaker, I seek unanimous consent to continue my statement.

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**MADAM SPEAKER:**

The honourable Member is seeking unanimous consent to continue with his statement. Are there any nays? There are no nays. Please proceed, Mr. Allooloo.

**MR. ALLOOLOO:**

Thank you, Madam Speaker. Thank you, colleagues. The school children are writing stories based on these pictures. The elders are being invited to the school to view the pictures, hear the stories and discuss them with the students. In Hay River, October 4th was a turn-off-the-TV-and-read day. I'm sure our colleague, Mr. Pollard, did not have his TV on. The community was challenged to go for an entire day without watching television. They also had storytelling and author visits at the public library.

---Applause

**MADAM SPEAKER:**

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

Member's Statement On Government's Fiscal Position

**MR. ANTOINE:**

Mahsi, Madam Speaker. The Government of the Northwest Territories has faced extraordinary financial pressures over the last two years. This summer, for example, was another bad year for forest fires. The work done to manage these fires is going to cost more than \$20 million, over and above what was estimated. In addition to that, Madam Speaker, the federal government continues to reduce funding support to the Northwest Territories in a number of areas. One of the most important areas of funding cuts is support for housing. These are just a few of the many financial pressures that we face.

However, even though I recognize these pressures, I feel strongly that our government cannot afford to accumulate a deficit. Most of the funding required to meet the needs of our citizens comes from the federal government. The revenue that we raise on our own, given the present financial arrangements with the federal government, is quite small. We have little room to move. If we do get into a deficit position, it will be very hard to recover. We will be caught in a trap. On the one hand, we will have to use our scarce resources to pay off the debt and, on the other hand, we will not be able to respond to the basic needs of our people.

I recognize, Madam Speaker, that it is a delicate balance, but it is a balance that we must find. We need to consider, very seriously, what our priorities are, what is most important to our people. We need to find ways to meet these needs in new and innovative ways. Our current means of providing public services are very expensive. We can no longer afford to provide services in the same way. Mahsi, Madam Speaker.

---Applause

**MADAM SPEAKER:**

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

Member's Statement On Forest Fires In The NWT



**MR. GARGAN:**

Thank you, Madam Speaker. Madam Speaker, last summer while travelling on the Mackenzie River to Fort Norman for the Dene National Assembly, we ran into thick smoke from forest fires around the area. The smoke was so thick, in fact, we couldn't see the buoys or markers, and at times were lost. This could have been a tragedy, as well as embarrassing to myself as an aboriginal person if we, in fact, did get lost.

This year on July 25th, we were on a trip to Lutsel K'e. There were five fires burning near the community also producing heavy smoke. I understand that some trappers' cabins were lost in these fires.

Madam Speaker, this September 16th, while travelling from Fort Providence to Yellowknife by airplane, I noticed several fires; one north of the Horn Plateau which was putting up enough smoke to rival the fires in Kuwait. The other one I noticed was 30 miles south of White Point Beach. In the morning it was smouldering. By the time we returned in the evening, it was out of control.

We all know this was a bad year for forest fires, but it seems under the present policy of forest fighting management, a lot of Dene land is literally going up in smoke.

Madam Speaker, I understand that we do not have the resources to fight every single forest fire. But when the government decides which fires to fight, they have to look at all lands as being important because all lands are important to the Dene.

I also believe, Madam Speaker, that the government should implement a policy restricting development in burned-out areas in order to give reforestation a chance. Under no circumstances should this government allow exploration or development in those areas. Just because a piece of land is important to exploration companies or other commercial interests, doesn't mean it is more important than other areas. The government has to remember to look at the bigger picture and not just worry about the possibility of losing tax revenues. Don't forget there are still more traplines operating in the north than diamond mines. Mahsi cho.

---Applause

**MADAM SPEAKER:**

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

Member's Statement On Fighting Crime In Iqaluit

**MR. PATTERSON:**

Thank you, Madam Speaker. Madam Speaker, the citizens of Iqaluit are very concerned about smuggling and trafficking in alcohol and drugs and related crimes in their community. But, Iqaluit is not alone. If we took a close look, we would find that every one of our communities has these kinds of problems and young people are often the first victims.

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Today, I wish to commend the people of Iqaluit for having the courage and convictions to actually do something about these problems. This spring, local citizens became outraged about criminal acts they believed were associated with a certain pool hall and video arcade and the homes of some of its proprietors. Citizens became concerned that the establishment and people associated with its operation were engaged in trafficking of alcohol and drugs, sexual exploitation of minors and other crimes including intimidation, threats, assaults and mischief.

Early in July, several parents took matters into their own hands and entered a local residence to rescue their juvenile daughters. That event resulted in a spontaneous protest of about 45 peaceful but angry citizens at the local arcade. The following weekend, a peaceful rally which ended up at the same location attracted some 500 local citizens, Inuit and non-Inuit alike, including many young people. And this in the middle of summer.

Madam Speaker, I have not seen such a unanimous outpouring of public concern since the citizens' movement forced the closure to over-the-counter sales at the Iqaluit liquor store in 1976. I am proud of the citizens of Iqaluit for so strongly pressing for actions against a small minority of people from the south who were preying on the vulnerable youth of Iqaluit. It is especially inspiring that the citizens' committee achieved immediate results. The arcade was promptly closed. One of the proprietors was evicted by a local landlord, and shortly after left town.

I applaud the actions and concerns of this citizens' group. Actions and concern like this are essential if the police are to do their jobs with the limited

resources they have in Iqaluit. For my part, I will be encouraging our Minister of Justice...

**MADAM SPEAKER:**

Excuse me, Mr. Patterson.

**MR. PATTERSON:**

Thank you, Madam Speaker. May I request consent to briefly conclude my statement? Thank you.

**MADAM SPEAKER:**

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

**MR. PATTERSON:**

Thank you, Madam Speaker. As I was saying, for my part, I will be encouraging our Minister of Justice to continue to press for more federal support for anti-drug and anti-smuggling resources in Iqaluit. I am also committed to working closely with the citizens' committee and the youth of Iqaluit who have been inspired to organize a youth group to support youth in conflict.

I hope other communities will also be encouraged to show this kind of concern, as I understand Snowdrift has recently done. Thank you, Madam Speaker.

---Applause

**MADAM SPEAKER:**

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

Member's Statement On Reopening Of The Inuvik Women's Transition House

**MR. KOE:**

Mahsi, Madam Speaker. Madam Speaker, today I wish to let my colleagues know about another joyous event that happened in Inuvik on September 30th. On that day, Madam Premier and myself were participants in the grand reopening of the Inuvik Women's Transition House. This house is set up as a shelter for women, for children and for elders who have been abused or are in trouble.

Madam Speaker, the event was quite happy in that it showed again the spirit and cooperation of the citizens of Inuvik in coming together and putting

together a plan of action and doing it, then following up on that plan, to reorganize and restructure a transition house that six months ago was in deep financial trouble, deep management trouble.

One of the funny events at the grand opening was, at these types of things with buildings involved, there is usually a ribbon cutting ceremony. The two individuals who were chosen to cut the ribbon were the Premier and Jessie Colton who is the executive director of the house. But instead of using scissors, Madam Speaker, these two Inuvialuit women chose to use their teeth. The picture in today's Drum shows them chomping at the ribbon. And to quote the Premier, "This is how we do things in the north." It was quite a funny event for all involved.

I would like to congratulate the board of directors of the new transition house, Jessie Colton and the staff who are working there, and the people of Inuvik, the town, the Inuvialuit, and the Gwich'in who have joined together to reorganize and restructure and manage this new home. I would also like to take this opportunity to thank the old board of directors, the people who managed the home up to its closing last spring. Mahsi.

---Applause

**MADAM SPEAKER:**

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

Member's Statement On NWTPC's Power Supply

**MR. WHITFORD:**

Thank you, Madam Speaker. Madam Speaker, the summer of 1994 will go down in history as one of the most memorable summers on record. Here in Yellowknife or in the south part of the territories we had diamond fever, high employment, labour peace, the royal visit, no mosquitoes, and thanks to the meteorological phenomenon known as the "Arctic high," one of the hottest, longest, driest spells for some time. The campers were happy. The boaters were happy. The water bomber crews were happy. The road builders were happy. The house builders were happy. It was a very memorable summer to say the least. Now the downside.

While we were enjoying this bug-free summer, we also noticed that the rivers, streams and lake levels were dropping. We also noticed the highest number

of forest fires we have seen for quite some time because of their smoke. Here in Yellowknife, we also noticed that the Jackfish Lake diesel plant was running all engines almost full time. Madam Speaker, that was very concerning to many people here in this city. The concern is valid. While we still bask in the

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warmth of summer, we still remember last winter, the coldest in decades. The people here are concerned that if the diesels were running full out, when their role on this system at this time was to be stand-by, emergency or for peak periods, what will happen when the demands are highest?

There are many families and businesses concerned and even worried about black-outs and brown-outs. A secure power supply is among the most important things to all northerners, not only here in the Snare/Yellowknife system, but all over the north. We have every confidence and trust in the Power Corporation staff, management and equipment. All we are asking and all we need at this time, as winter approaches, is reassurance. Thank you.

---Applause

**MADAM SPEAKER:**

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

Member's Statement On Members' Involvement In Capital Site Development Plan

**MR. LEWIS:**

Thank you, Madam Speaker. Very often it is during the summer months when we are not sitting, that issues arise that MLAs have to deal with and don't have a forum to voice their public opinion. Even though since last February, there has been revealed a capital site development plan, it wasn't until the early summer that the residents of Yellowknife became fully aware of the impact the development plan could have on businesses and properties surrounding Frame Lake.

Madam Speaker, the concern I have today is the manner in which that plan was developed, especially the way in which very good friends of mine, people I have worked with for many years, were successful in blaming Members of this House for coming up with a

wonderful, elaborate plan that suited their needs, but may not suit the citizens of Yellowknife.

Madam Speaker, I would like to make it a matter of record, that Members of this Assembly were not consulted on this development plan. It was something which was done within the bureaucracy and there never was a consultation process in which Members of this Chamber were asked their opinions as to whether we needed to have a site that extended twice the area of the Parliament of Canada. That caused considerable outrage to people in this city.

The point I want to make, Madam Speaker, is that it is very unusual that public servants can get away with blaming their masters for something that they never did. It never happened in my time -- 20 years of public service -- otherwise, you are down the road. But this happened this summer. It was a double heat for us. We took heat when we first decided, with great foresight, in my opinion, to build this place and then we had to take heat for someone else's decision about the way the whole thing would develop from there. I want to make it a public record that we were involved in the original design, but we were not involved in the development of the plan for the site. Thank you, Madam Speaker.

---Applause

**MADAM SPEAKER:**

Thank you. Item 3, Members' statements. The honourable Member for Yellowknife North, Mr. Ballantyne.

Member's Statement On Congratulating Chief Darrell Beaulieu

**MR. BALLANTYNE:**

Thank you, Madam Speaker. Today I rise to congratulate Chief Darrell Beaulieu of Ndilo, who was re-elected as chief. Chief Beaulieu is a very articulate and traditional leader of Treaty 8 Dene. At the same time, he is a very pragmatic and innovative chief in his own community of Ndilo.

I have had the pleasure of working closely with Chief Beaulieu for the last four years as chief, and for some years before that as councillor, also with Chief Sangris from Dettah and the Yellowknives Dene Band. The two chiefs and band deserve tremendous credit for the improvements in Ndilo and Dettah over the last decade. If one looks at those communities now and looked at them 10 years ago, you would see

a tremendous improvement. The band deserves most of the credit for that.

As Members recognize, the band has been in an unfortunate situation of not being able to say exactly who is responsible. For services, the municipality has had problems because of the taxation regime. The federal government should be responsible, but they never had any money. Very innovative leadership on behalf of the Yellowknives Dene Band, working with the GNWT over the last decade, has allowed the people of Ndilo and Dettah to have a much better quality of life.

I wish the chief well and I am sure the chief will provide very strong and imaginative leadership for his people for many years to come. Thank you.

---Applause

**MADAM SPEAKER:**

Thank you. Item 3, Members' statements. Item 4, returns to oral questions. Minister of Transportation, Mr. Todd.

ITEM 4: RETURNS TO ORAL QUESTIONS

Return To Question 43-12(6): Provision Of Financial Assistance For Mackenzie Times

**HON. JOHN TODD:**

Thank you, Madam Speaker. I have a return to an oral question asked by Mr. Antoine on April 7, 1993 with respect to provision of financial assistance for Mackenzie Times.

In response to the honourable Member's question, I asked the deputy minister to meet with Mr. Mercredi to review his financial situation.

Considering the information that was available to us, it was clear that unless the Mackenzie Times could expand its revenue base and more tightly control expenditures, there was little chance of viability. Given the small market for the newspaper, there is little chance of expanding the revenue base. It would appear that Mr. Mercredi realizes this, as he has closed the paper and moved to Fort Smith. Thank you.

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**MADAM SPEAKER:**

Thank you. Item 4, returns to oral questions. Item 6, oral questions. Pardon me, that is an oversight on my part. There is a new item on the agenda. Item 5, recognition of visitors in the gallery. The honourable Member for Iqaluit, Mr. Patterson.

ITEM 5: RECOGNITION OF VISITORS IN THE GALLERY

**MR. PATTERSON:**

Thank you, Madam Speaker. It gives me pleasure to introduce Ms. Cathy McGregor, director of the Baffin Divisional Board of Education. Thank you.

---Applause

**MADAM SPEAKER:**

Thank you. Item 5, recognition of visitors in the gallery. Item 6, oral questions. The honourable Member for Yellowknife North, Mr. Ballantyne.

ITEM 6: ORAL QUESTIONS

Question 53-12(6): Transfer Of Sir John Franklin High School

**MR. BALLANTYNE:**

Thank you, Madam Speaker. I have a question for the Minister of Education. The question concerns the transfer of Sir John Franklin High School to School District No. 1. Madam Speaker, my understanding is there have been some very productive negotiations between the Minister's staff and the staff of School District No. 1. The district had some very understandable concerns, but it seems those concerns could be met. Is the agreement going to be signed soon? Thank you, Madam Speaker.

**MADAM SPEAKER:**

Thank you. Minister of Education, Culture and Employment, Mr. Nerysoo.

Return To Question 53-12(6): Transfer Of Sir John Franklin High School

**HON. RICHARD NERYSOO:**

No, Madam Speaker. The honourable Member may have information that I am not aware of, but we will not complete all the discussions including the matter of the staff probably until February 1995.

**MADAM SPEAKER:**

Thank you. Item 6, oral questions. The honourable Member for Inuvik, Mr. Koe.

Question 54-12(6): GNWT's Role In New Health Strategy

**MR. KOE:**

Mahsi, Madam Speaker. Madam Speaker, on September 26th, the Minister of Health for the Government of Canada wrote a press released titled, "National Strategy to Deal with Urgent Health Priorities of First Nations and Inuit." It is called, "Building Healthy Communities: A New Health Care Strategy For First Nations and Inuit." My question to the Minister of Health is, is the GNWT a partner in this new strategy?

**MADAM SPEAKER:**

Thank you. Minister of Health, Madam Premier.

Return To Question 54-12(6): GNWT's Role In New Health Strategy

**HON. NELLIE COURNOYEA:**

Thank you, Madam Speaker. The specific initiative is under discussion at the federal/provincial discussions and, yes, we are part of those discussions. Thank you.

**MADAM SPEAKER:**

Thank you. Supplementary, Mr. Koe.

Supplementary To Question 54-12(6): GNWT's Role In New Health Strategy

**MR. KOE:**

Mahsi. What involvement have our communities, regions and health boards had in the designing of this program?

**MADAM SPEAKER:**

Minister of Health, Madam Premier.

Further Return To Question 54-12(6): GNWT's Role In New Health Strategy

**HON. NELLIE COURNOYEA:**

Madam Speaker, I would be prepared to provide that information in a little more detail to the Member. I don't have it right now. I think the discussions and

involvement from health board to health board varies. I will provide that information to the Member.

**MADAM SPEAKER:**

Thank you. Item 6, oral questions. Supplementary, Mr. Koe.

Supplementary To Question 54-12(6): GNWT's Role In New Health Strategy

**MR. KOE:**

In the press release, which I will be tabling later, it says it is a five-year, \$243 million strategy. I am just curious how and when groups in the Northwest Territories can access some of this money?

**MADAM SPEAKER:**

Thank you. Minister of Health, Madam Premier.

Further Return To Question 54-12(6): GNWT's Role In New Health Strategy

**HON. NELLIE COURNOYEA:**

Madam Speaker, as I indicated, I will provide that information. Thank you.

**MADAM SPEAKER:**

Thank you. Item 6, oral questions. The honourable Member for Baffin South, Mr. Pudlat.

Question 55-12(6): Status Of Power Plant In Cape Dorset

**MR. PUDLAT:**

(Translation) Thank you, Madam Speaker. I have a question for the Minister of the Power Corporation. Is the department working with the people of Cape Dorset to move the power plant in the community and what stage are they at right now? Thank you.

**MADAM SPEAKER:**

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

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Return To Question 55-12(6): Status Of Power Plant In Cape Dorset

**HON. NELLIE COURNOYEA:**

Thank you, Madam Speaker. As the Member is aware, we have been working over the last two years with the community of Cape Dorset on the issue of providing secure power for the community. The Member is also aware that the community wants to have the power plant moved. In the assessment of the power plant, the indications from all assessments are that the moving of the power plant is not necessary at this time and that renovations would be more cost-effective.

We have another engine and we are trying to reach agreement with the community on a process to install it for this winter. It would appear that if we don't do that, then the security of power will be limited. The present system does not meet the requirements of this winter. The Power Corporation did meet with the hamlet council on September 9th in an attempt to finally resolve this situation. The Power Corporation requested a development permit to connect the modular unit. The community did not want us to connect this because this would prejudice the possibility of having a new plant in another location.

At the September 9th meeting and at previous meetings, the hamlet was advised that a new plant would cost \$5 million and the modular unit, which would take care of the power needs of the community, would be approximately \$1 million. At this point in time, keeping in mind the policies and procedure for permitting the development of new plants, the Power Corporation felt they could not justify a new plant construction. Since the September 9th meeting, the Power Corporation advised the hamlet that if the modular unit could not be connected, then the 270 kilowatt unit in the existing plant would be removed and a 720 kilowatt engine, contained in the module, would be installed in the plant. Installing the 720 kilowatt unit does not require a development permit.

The community felt they did not want to allow a development permit, in hopes that would force a new plant to be built. However, the Power Corporation has indicated that they would, in any eventuality, move the 720 kilowatt unit into the old plant. The Power Corporation is presently still awaiting a decision from the hamlet council. We had hoped that they would respond by the end of September, but they haven't to this date. The Power Corporation's preferred course of action is to upgrade the existing plant and to factor community concerns into the design, such as noise. This proposal will meet the load requirements, the current regulatory standards, and provide the least power costs.

As I have said, the community is opposed to this approach and the corporation is concerned that, in accepting the community's request, the Public Utilities Board will reject the cost premium, in which case the corporation will bear the costs. The corporation is currently considering a demand site management initiative that may delay the need for an upgrade based on capacity criteria. Also, the corporation is exploring the potential for residual waste heat use as an incentive to remain on the site.

We are still in dispute and uncertain whether the community will consent and give approval for us to attach the unit which is required for the stabilization of power needs for this winter. However, the units are there and can be quickly installed. Thank you.

**MADAM SPEAKER:**

Thank you. Item 6, oral questions. The honourable Member for Iqaluit, Mr. Patterson.

Question 56-12(6): Status Of Minister's Input Into "Creating Choices"

**MR. PATTERSON:**

Thank you, Madam Speaker. I would like to ask the Minister responsible for Education, Culture and Employment a little bit more about his statement today. Madam Speaker, the statement refers to the new federal government paper, Creating Choices: Solving the Income Support Puzzle. I would like to ask the Minister what role he and his staff might have had in giving input or providing advice about the content of this federal paper. I know they have been meeting extensively during the past year about this issue with Mr. Axworthy and colleagues. Thank you.

**MADAM SPEAKER:**

Thank you. Minister of Education, Mr. Nerysoo.

Return To Question 56-12(6): Status Of Minister's Input Into "Creating Choices"

**HON. RICHARD NERYSOO:**

Thank you. If I'm correct, the honourable Member is quoting the title for a document that we actually developed. It is a consultation document that the government has sent out to the communities to get their advice on the whole matter of income reform and social program reform so that we ensure we get the advice of northern people in northern communities.

With regard to our involvement, this matter has been on the agenda of the Ministers of Education and Labour for the last year. We have been advising and discussing the issue of income and social program reform with the view that we would not be absent from any discussions of reform that would occur. In many respects, the provinces and the territories have indicated to the federal government that it was not our view that they should proceed with any reforms without our direct participation in the discussion.

**MADAM SPEAKER:**

Thank you. Supplementary, Mr. Patterson.

Supplementary To Question 56-12(6): Status Of Minister's Input Into "Creating Choices"

**MR. PATTERSON:**

Madam Speaker, thank you. I have heard the consultation process initiated by Mr. Axworthy, extensive consultations planned in the coming year compared to the Charlottetown Accord process. I hope it doesn't have that result. I know the Minister has invited the standing committee to visit the north and hear about our unique needs and I know we have, for example, a smaller proportion of people on UIC than the rest of the country.

I'd like to ask the Minister of Education, Madam Speaker, is it the Minister's hope that people in the Northwest Territories and our government can carve out a unique niche for ourselves based on our unique circumstances so that we can make appropriate

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arrangements in the north to respond to these federal reform initiatives? Thank you.

**MADAM SPEAKER:**

Minister of Education, Mr. Nerysoo.

Further Return To Question 56-12(6): Status Of Minister's Input Into "Creating Choices"

**HON. RICHARD NERYSOO:**

Thank you, Madam Speaker. Yes.

**MADAM SPEAKER:**

Thank you. Supplementary, Mr. Patterson.

Supplementary To Question 56-12(6): Status Of Minister's Input Into "Creating Choices"

**MR. PATTERSON:**

Madam Speaker, I heard reported on the news this morning that the Minister of State, the Honourable Ethel Blondin was given specific responsibilities by Mr. Axworthy for consulting with aboriginal peoples in the social security reform. I'd like to ask our Minister of Education since we have a majority of aboriginal people in the Northwest Territories, but since social services are largely delivered by the public government, who is it we are going to be dealing with in the federal government as far as consultations on social security reform? Is it Mr. Axworthy or Ms. Blondin? Thank you, Madam Speaker.

**MADAM SPEAKER:**

Minister of Education, Mr. Nerysoo.

Further Return To Question 56-12(6): Status Of Minister's Input Into "Creating Choices"

**HON. RICHARD NERYSOO:**

Thank you, Madam Speaker. The Minister who is in charge of the income reform generally is Mr. Axworthy who we have been dealing with directly. Ms. Ethel Blondin-Andrew has been assigned specific responsibilities particularly with regard to pathways to find a solution in that particular area. We have raised a concern about the manner in which that particular program is being administered in the north and have advised Mr. Axworthy with regard to our concern. Both Ministers are involved, but Mr Axworthy is the lead Minister in this particular area.

---Applause

**MADAM SPEAKER:**

Thank you. Final Supplementary, Mr. Patterson.

Supplementary To Question 56-12(6): Status Of Minister's Input Into "Creating Choices"

**MR. PATTERSON:**

Madam Speaker, I have heard criticism of the federal Minister's paper, that it consists of a number of generalities rather than specific proposals. I'd like to ask our Minister, Madam Speaker, his consultation process which has begun with the release of the paper, Creating Choices; is that designed to lead to

specific concrete proposals which we could then present to the federal government in contrast to the generalities? Thank you.

**MADAM SPEAKER:**

Minister of Education, Mr. Nerysoo.

Further Return To Question 56-12(6): Status Of Minister's Input Into "Creating Choices"

**HON. RICHARD NERYSOO:**

Thank you, Madam Speaker. Yes. It is intended to do that. It is intended to give, as the honourable Member has indicated, a northern perspective on solving this particular problem. In my view, I think we're leading, in many respects, across the country from some of the initiatives we've undertaken. I think what you'll find is that the people of the north will be more responsive and more supportive in terms of trying to reorganize the income support programs so that it makes people in the communities more productive and more responsive in contributing to their community.

---Applause

**MADAM SPEAKER:**

Thank you. Item 6, oral questions. The honourable Member for Kitikmeot, Mr. Ng.

Question 57-12(6): Housing Needs Of Bathurst Inlet Residents

**MR. NG:**

Thank you, Madam Speaker. My question is to the Minister responsible for the Housing Corporation. I'd like to ask the Minister if he will commit to addressing the needs of the residents of Bathurst Inlet with regard to their housing?

---Applause

**MADAM SPEAKER:**

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

Return To Question 57-12(6): Housing Needs Of Bathurst Inlet Residents

**HON. DON MORIN:**

Thank you, Madam Speaker. I will make a commitment to work with the Member to help solve the housing problems in that area. Thank you.

---Applause

**MADAM SPEAKER:**

Thank you. Supplementary, Mr. Ng.

Supplementary To Question 57-12(6): Housing Needs Of Bathurst Inlet Residents

**MR. NG:**

Thank you. I'd like to ask will he attempt to address the issue before the matter of the sea lift next year?

**MADAM SPEAKER:**

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

Further Return To Question 57-12(6): Housing Needs Of Bathurst Inlet Residents

**HON. DON MORIN:**

Thank you, Madam Speaker. I will work with the Member to try to address the issue prior to the sea lift next year. Thank you.

**MADAM SPEAKER:**

Thank you. Item 6, oral questions. The honourable Member for Yellowknife Frame Lake, Mr. Dent.

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Question 58-12(6): Completion Of Consolidation Of H&SS

**MR. DENT:**

Thank you, Madam Speaker. Madam Speaker, yesterday the Member for Inuvik asked the Minister of Health and Social Services a number of questions about consolidation of Health and Social Services and he was given a number of dates for various activities that would take place in the consolidation. In Tabled Document 59-12(5), this was the government response to the final report of the Special Committee on Health and Social Services. The government has committed to developing an implementation plan for consolidation of the departments by September 15, 1994. I'd like to ask the Minister of Health and Social



Services if that plan was in fact completed by that date.

--Applause

**MADAM SPEAKER:**

Thank you. Minister of Health and Social Services, Ms. Cournoyea.

Return To Question 58-12(6): Completion Of Consolidation Of H&SS

**HON. NELLIE COURNOYEA:**

Madam Speaker, the plan to the extent we've done, has been completed but it hasn't gone through the process at this time for consideration at Cabinet. Thank you.

**MADAM SPEAKER:**

Thank you. Supplementary, Mr. Dent.

Supplementary To Question 58-12(6): Completion Of

Consolidation Of H&SS

**MR. DENT:**

Thank you, Madam Speaker. Supplementary to the Minister, what is the timetable for presentation of that plan to Cabinet?

**MADAM SPEAKER:**

Thank you. Minister of Health and Social Services, Ms. Cournoyea.

Further Return To Question 58-12(6): Completion Of Consolidation Of H&SS

**HON. NELLIE COURNOYEA:**

Madam Speaker, I believe that when we're sitting at the Legislative Assembly, our normal Cabinet days are Thursdays, however if there is time or if we get a heavy agenda, we generally meet as time permits. But at this time, the plan is to do and make the presentation next Thursday.

**MADAM SPEAKER:**

Thank you. Supplementary, Mr Dent.

Supplementary To Question 58-12(6): Completion Of Consolidation Of H&SS

**MR. DENT:**

Thank you, Madam Speaker. Supplementary to the same Minister. Is it the Minister's intention that this plan, once approved, will be an internal working document or will this document be made available to Members of the Legislature so we might understand exactly how the process is going to take place?

**MADAM SPEAKER:**

Thank you. Minister of Health and Social Services, Ms. Cournoyea.

Further Return To Question 58-12(6): Completion Of Consolidation Of H&SS

**HON. NELLIE COURNOYEA:**

Madam Speaker, I'll consider that question because I have not thought whether it will be an internal document, public document or a document. I would assume, once it's complete and once it gets a stamp of approval, that certainly those types of reorganization could be made available. Thank you.

**MADAM SPEAKER:**

Thank you. Item 6, oral questions. The honourable Member for Nahendeh, Mr. Antoine.

Question 59-12(6): Status Of Arctic A Airports Negotiations

**MR. ANTOINE:**

Mahsi, Madam Speaker. My question is for the Minister responsible for Transportation. We have been made aware that there are negotiations between the federal government and the territorial government with regard to the transfer of Arctic A airports. I'd like to ask the Minister responsible for the department what the status of negotiations is. Thank you.

**MADAM SPEAKER:**

Thank you. Minister of Transportation, Mr. Todd.

Return To Question 59-12(6): Status Of Arctic A Airports Negotiations

**HON. JOHN TODD:**

Thank you, Madam Speaker. The negotiations with Transport Canada at the current time are close to completion. We're hoping that they'll be concluded over the next few weeks. However, the recent

announcement by the Federal Minister of Transportation with respect to a national airport policy has signalled a somewhat tougher approach that the federal government wants to take with respect to base funding. We're optimistic that we can come to a successful agreement in the next three, four or five weeks and meet the deadline of hopefully April 1, 1995 as we outlined to the Standing Committee on Finance, I believe. However, if we do fail with the negotiations, we believe that given the current position of the federal government, there'll be a significant downgrading, if you want, with respect to Arctic A airports. We're on the optimistic side. We hope that we can conclude an arrangement within the next three or four weeks, then move forward and they'll schedule to transfer the responsibility effective April 1st.

However, on the other side with the statements made by the federal government with respect to looking for cuts and savings, we're a little apprehensive at this time. So it's kind of a double-edged sword. Thank you.

**MADAM SPEAKER:**

Thank you. Supplementary, Mr. Antoine.

Supplementary To Question 59-12(6): Status Of Arctic A Airports Negotiations

**MR. ANTOINE:**

Mahsi, Madam Speaker. Supplementary to the same Minister. The Minister indicated there will be significant downgrading if they are not successful in their negotiation. Is it possible for the Minister at this time to explain to the House what he means by this significant downgrading of the Arctic A airports? Thank you.

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**MADAM SPEAKER:**

Thank you. Minister of Transportation, Mr. Todd.

Further Return To Question 59-12(6): Status Of Arctic A Airports Negotiations

**HON. JOHN TODD:**

I don't have the specifics, but, in general, the federal Minister has made it clear that he's going to reduce his department by close to 70 per cent over the next five years. So with those kinds of public, political

statements being made, we have to assume that there's going to be a significant decrease in the level of service if he's going to cut his department by 70 per cent. In fact, I just came from a meeting in Winnipeg yesterday and he said exactly the same thing.

Now when we started these negotiations for Arctic A airports, that was two years ago. The departments tend to think it's good management, I tend to think it's a little bit of luck. The fact is that we started two years ago to establish the level and the base in terms of the dollars and the services that we require.

As I said, we are optimistic that we can secure a deal. Of course, we would have to go back to Cabinet and get its approval. However, on the other side of the coin, if we don't, given the Minister's statement, we're anticipating a significant reduction in the level of service. I would suggest, in particular, in the Cambridge Bay, Iqaluit, Resolute, Fort Smith, Fort Simpson and Hay River areas. But at this time, my optimistic side says we can make a deal, and hopefully in the next two or three weeks, perhaps even before the end of this session we might be able to at least say we have the framework for concluding a successful transfer of Arctic A airports. Thank you.

**MADAM SPEAKER:**

Thank you. Supplementary, Mr. Antoine.

Supplementary To Question 59-12(6): Status Of Arctic A Airports Negotiations

**MR. ANTOINE:**

Thank you, Madam Speaker. The Minister mentioned a number of communities where these Arctic A airports are located. As a Member representing one of those locations, I have constituents who are employed in these communities. I would like to ask the Minister how soon would we know, can he give us a time frame of how soon we can know about when these changes will take place as it affects people who live in the communities? Thank you.

**MADAM SPEAKER:**

Thank you. Minister of Transportation, Mr. Todd.

Further Return To Question 59-12(6): Status Of Arctic A Airports Negotiations

**HON. JOHN TODD:**

We're far enough along with the negotiations, Madam Speaker, that we think we'll come to some arrangements in the next three or four weeks. But even within that arrangement, I think there will be some change, depending on what kind of deal we can make with the federal government.

Again, we're optimistic that we can come to a successful arrangement. My understanding is that it requires somewhere between four to six months for the transfer to take place in terms of how its staged. If we can reach an arrangement in the next three or four weeks, we should be able to conclude by April 1st or somewhere in that timing. We'll have to see how it goes, and I'll report back to the House when we've reached an appropriate arrangement. Thank you.

**MADAM SPEAKER:**

Thank you. Item 6, oral questions. The honourable Member for Iqaluit, Mr. Patterson.

Question 60-12(6): Status Of Community Suicide Prevention Manual

**MR. PATTERSON:**

Thank you, Madam Speaker. I would like to ask the Minister of Social Services, the Honourable Premier, a question. Madam Speaker, at a National Association of Suicide Prevention conference held in Iqaluit this summer, there was some concern expressed by delegates at that meeting that despite several years of work, expenditures of sizeable amounts of money and extensive community consultation, there has yet to be concluded the work on the suicide prevention manual for communities throughout the Northwest Territories.

I would like to ask the Premier, in light of the continuing concern about this very serious issue, what is the status of the work on the community suicide prevention manual? Thank you.

**MADAM SPEAKER:**

Thank you. Minister of Social Services, Madam Premier.

Return To Question 60-12(6): Status Of Community Suicide Prevention Manual

**HON. NELLIE COURNOYEA:**

Madam Speaker, I would assume that the Member is talking about the training curriculum. The initiative on the 1992 draft curriculum, the original draft by Kivallik went into field testing. The initial field testing on the original draft was quite positive, although some problems were identified. Those negative comments were given by the participants in the meeting or the workshop that the Member is referring to in Iqaluit...One was also held in Inuvik. As well, in that development, an expert suicidologist expressed concerns about the clinical content.

Subsequently, aboriginal and non-aboriginal communities and regional care givers were involved in the continual review. The working group did direct the department to revise the curriculum and address the concerns.

To take it further, a pilot training program using the revised curriculum based on the Kivallik original draft was conducted in Inuvik in February 1994, and in Iqaluit on March 19, 1994. From these pilot training programs that were conducted in these two communities, the evaluation was positive. Out of that, some graduates have gone to provide workshops on suicide prevention in their communities.

The draft copies of the revised curriculum were circulated to members of the working group, regional community care givers, additionally, Dr. Antoon Lenaars who is a clinical psychologist known for his work in publications in suicidology. Dr. J. Dyke of Alberta Health has revised both the original and

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revised document. All comments with the curriculum received to date have been favourable, with some changes to format on clinical reference which has been suggested.

The joint working group met on September 21st, of this year, to discuss how to address concerns that CMHA had about the current document. It was agreed that the CMHA would submit both drafts to the National Scientific and Planning Council for review. Further review and consultation will occur to ensure the curriculum is clinically and culturally acceptable. It was agreed that this would be done as quickly as possible to eliminate further delays.

A training for trainers workshop was held in Norman Wells from September 22nd to October 7th, to provide a basic foundation for training techniques. The

suicide prevention curriculum will not be used until such time as all partners in the project are satisfied.

So, we're optimistic that we can come to resolution and have that curriculum accepted and provided for use. Thank you.

**MADAM SPEAKER:**

Thank you. May I remind Ministers when questions are posed, for the answers to be brief according to our rules, and also to remind Members that if a lengthy reply is needed, to use the written question format. Thank you. Supplementary, Mr. Patterson.

Supplementary To Question 60-12(6): Status Of Community Suicide Prevention Manual

**MR. PATTERSON:**

Thank you, Madam Speaker. Madam Speaker, the detailed reply given to me by the Minister indicates that the process has been very complex and time consuming. I was particularly concerned by her last statement that the curriculum won't be finalized until every party is satisfied. Recognizing that this is now over two years into the development, and recognizing the urgency of the problem, will the Minister make it a priority to take the necessary action to ensure that this curriculum is promptly approved and not subject to continuing political problems and processes? Thank you.

**MADAM SPEAKER:**

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

Further Return To Question 60-12(6): Status Of Community Suicide Prevention Manual

**HON. NELLIE COURNOYEA:**

Madam Speaker, I will certainly commit to trying to expedite the finalization of this project, so that we can formally get moving. So I will make that commitment. I would also like to say that when so many people are involved, everyone has to have their say and, unfortunately, that holds up the process. But I will make that commitment to try to expedite this issue. Thank you.

**MADAM SPEAKER:**

Thank you. Item 6, oral questions. The honourable Member for Yellowknife South, Mr. Whitford.

Question 61-12(6): Ability Of NWTPC To Meet Peak Power Demands

**MR. WHITFORD:**

Thank you, Madam Speaker. I would like to direct a question to the Minister responsible for the Power Corporation, the Premier. As I said in my Member's statement, there is a great deal of concern because the diesel plant at Jackfish Lake had been running full-out all summer, when it should have been down. The concern is that there may not be an adequate supply of power for the coming winter. I would like to ask the Premier if she would be able to ensure citizens of this city that the Northwest Territories Power Corporation will be able to meet the peak power demands for this coming winter.

**MADAM SPEAKER:**

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

Return To Question 61-12(6): Ability Of NWTPC To Meet Peak Power Demands

**HON. NELLIE COURNOYEA:**

Madam Speaker, the short answer is yes. The explanation is that it was designed to meet the particular concern that we knew would be raised because the water levels were low. We had a dry season and my understanding is that the water supply was being conserved over the summer to make sure that in the high-use times, hydro would be available, rather than relying extensively on diesel. Diesel was used at the low-use times, which is in the summertime. Thank you.

**MADAM SPEAKER:**

Thank you. Supplementary, Mr. Whitford.

Supplementary To Question 61-12(6): Ability Of NWTPC To Meet Peak Power Demands

**MR. WHITFORD:**

Thank you, Madam Speaker. The city has undergone a phenomenal amount of expansion this year and the demands are going to be even higher. I wonder if the Power Corporation has taken into consideration that extra demand that may not have been there last year, and whether or not any extensions to the power house have been contemplated or undertaken.

**MADAM SPEAKER:**

Thank you. Madam Premier.

Further Return To Question 61-12(6): Ability Of NWTPC To Meet Peak Power Demands

**HON. NELLIE COURNOYEA:**

Madam Speaker, the planning for the growing population of Yellowknife was reflected in the capital plan that was put forward by the Power Corporation, so the necessary units that were required have been installed and are available. Not only has the Power Corporation conserved water, but there is also an extra engine -- I cannot recall what the engine is called, but I think it starts with a "w" -- and is presently in place to take up the extra demand. Thank you.

**MADAM SPEAKER:**

Thank you. Supplementary, Mr. Whitford.

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Supplementary To Question 61-12(6): Ability Of NWTPC To Meet Peak Power Demands

**MR. WHITFORD:**

Thank you, Madam Speaker. I think the engine is a Caterpillar, but a Worm is close.

---Laughter

That is the new engine I heard they were putting in. Madam Speaker, I appreciate the answer the Premier has given me about the Power Corporation's efforts to conserve water so they can meet the peak over the winter. Are there any programs in place so that the consumers also are encouraged to conserve power in order to meet this winter that is fast approaching?

**MADAM SPEAKER:**

Thank you. Madam Premier.

Further Return To Question 61-12(6): Ability Of NWTPC To Meet Peak Power Demands

**HON. NELLIE COURNOYEA:**

Madam Speaker, I believe the gentleman that the Power Corporation has hired has been doing a number of public discussions on radio over the year. As well, the latest initiative is in one of the local stores -- I know which one it is, but I don't know whether that

would be promoting a particular store -- and there is a display and information available. So this is an ongoing process of trying to deal with the public on how they can be part of the measure of conservation. It is an ongoing program that the Power Corporation has in place. Thank you.

**MADAM SPEAKER:**

Thank you. Item 6, oral questions. The honourable Member for Yellowknife Centre, Mr. Lewis.

Question 62-12(6): Update On Mortgage Investment Corporation

**MR. LEWIS:**

Thank you, Madam Speaker. My question is for the Minister of Economic Development and Tourism. About a year ago, the Minister received encouragement from Caucus to proceed with work on a Mortgage Investment Corporation. We all know that one of the major challenges we are going to face over the next few years will be investments. Where are we going to get the money from? I would like to ask, since he got the blessing of the House and was able to get some money to do the work, could he give us an update on that project?

**MADAM SPEAKER:**

Thank you. Minister of Economic Development and Tourism, Mr. Todd.

Return To Question 62-12(6): Update On Mortgage Investment Corporation

**HON. JOHN TODD:**

Thank you, Madam Speaker. As the honourable Member stated, we did have some meetings with people in Toronto who have the experience in putting these mortgage investment corporations together. I am bringing to Cabinet, this month, I believe, a recommendation asking for the resources and revenues necessary to take it to the second stage. The first stage was to identify if they felt the financial markets would be receptive to a Mortgage Investment Corporation. If they felt there would be sufficient requirement for residential and commercial mortgage. They also wanted to do some research to see if there would be both public and private backing of the MIC. It appears, at least from the initial report given to me by Mr. Grossman and Mr. Kostenko -- who are the two people we have recruited to help us in this process -- they feel reasonably confident that we can

move forward in putting a Mortgage Investment Corporation in place.

So we are going to Cabinet later this month and I am optimistic that we will get approval. When we do, we will move forward and put the MIC in place. Thank you.

**MADAM SPEAKER:**

Thank you. Supplementary, Mr. Lewis.

Supplementary To Question 62-12(6): Update On Mortgage Investment Corporation

**MR. LEWIS:**

This is the last year of this 12th Assembly. We have one more session after this one. Since we have a very full agenda, does he hope to get legislation prepared, so that this investment corporation could become a reality if all the work is positive?

**MADAM SPEAKER:**

Thank you. Minister of Economic Development and Tourism, Mr. Todd.

Further Return To Question 62-12(6): Update On Mortgage Investment Corporation

**HON. JOHN TODD:**

I do recognize that the agenda is significant, but this MIC didn't move along at a pace I thought it would. There were a few complications, so it has taken a little longer. This is an expensive exercise to move to the second phase, so we were a little more prudent to ensure we had a chance for success. I don't think we'll get the legislation into the House, but I think we will bring it far enough along that it will be able to be incorporated into the new Legislative Assembly. The work will progress at that level at this time.

**MADAM SPEAKER:**

Thank you. Item 6, oral questions. The honourable Member for Natilikmiot, Mr. Ningark.

Question 63-12(6): Local Participation In GNWT Tendered Contracts

**MR. NINGARK:**

Thank you, Madam Speaker. Madam Speaker, my question is directed to the Minister responsible for Public Works and Services and the Housing

Corporation. Madam Speaker, yesterday the honourable Member, my colleague from Kitikmeot, talked about the suicide attempts in Coppermine and throughout his jurisdiction. This afternoon, Minister Nerysoo talked about the proposed federal reform program which emphasizes training, jobs and best use of available money.

From time to time, we hear politicians in this particular system here talking about problems with alcohol, high unemployment rates, lack of training, high dependency on social assistance and so on. One of the ways I, and the people in the constituency I represent, feel may help eliminate some of the problems we see is by increasing employment in the communities. One of the ways, Madam Speaker, to increase employment in the communities is to use all the available businesses in the community for specific work projects in the community; use of local labour

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and local businesses and so on.

My question to the honourable Minister is, Madam Speaker, would the Minister seriously consider increasing local participation in the contracts tendered by this government? Thank you.

**MADAM SPEAKER:**

Minister of Public Works and Services, Mr. Morin.

Return To Question 63-12(6): Local Participation In GNWT Tendered Contracts

**HON. DON MORIN:**

Thank you, Madam Speaker. The Department of Public Works as well as the Housing Corporation have worked with many communities to ensure that local people are involved in the tendering process. In Gjoa Haven, we have the Building and Learning Strategy in place. We are working with a committee from the community to ensure people are trained on our capital projects. I'm always willing and able to work with Members of this Assembly, as well as community members, to ensure that they benefit from capital projects in their communities, and I will continue to do that. Thank you.

**MADAM SPEAKER:**

Thank you. Supplementary, Mr. Ningark.

Supplementary To Question 63-12(6): Local Participation In GNWT Tendered Contracts

**MR. NINGARK:**

Thank you, Madam Speaker. I apologize for making my preamble very long. Madam Speaker, supplementary to the same Minister. Has the Minister heard complaints from the communities I represent about the contractors in those communities not hiring as many local people as anticipated, as set out in the conditions of the contracts of the government? Thank you.

**MADAM SPEAKER:**

Thank you. Minister of Public Works and Services, Mr. Morin.

Further Return To Question 63-12(6): Local Participation In GNWT Tendered Contracts

**HON. DON MORIN:**

Thank you, Madam Speaker. We have had some concerns raised in the Member's riding about contractors not hiring enough local people. I was sure those issues were addressed. We also heard a concern from his riding about alcohol being supplied into a community by contractors, and I'm sure we addressed that as well. Thank you.

**MADAM SPEAKER:**

Thank you. Item 6, oral questions. The honourable Member for Amittuq, Mr. Alloo.oo.

Question 64-12(6): Information On Photoflashes In North Baffin

**MR. ALLOOLOO:**

Thank you, Madam Speaker. Last year, in November or December, I asked the Premier to get some information about photoflashes that took place in the north Baffin, as my colleague to my right knows very well. The government committed that they would try to find out some answers. Since I didn't get a response by April 7, 1994, I asked the same question and the Premier answered that she would make sure the Members would get the information. She said, "I can assure the Member that the issue is being actively worked on."

Since then, I haven't heard any more information to supplement what I knew a year ago, or even 20 years

ago. I wonder if the Premier has any more information on the activities that took place during the 1950s in the north Baffin? Thank you.

**MADAM SPEAKER:**

Thank you. Madam Premier.

Return To Question 64-12(6): Information On Photoflashes In North Baffin

**HON. NELLIE COURNOYEA:**

Madam Speaker, there has been quite a bit of research done to try to find out some answers to the concerns that Members have been expressing. Although quite a bit of information has been sought, basically, according to all the work that has been done -- and I can provide the Member with that information -- including seeking the help of other agencies, I don't believe we are any further ahead than we were originally, although we do have some information about the possibilities of what happened in different areas, like Manitoba, Alaska or the United States of America.

But, I'm afraid, even with all the information seeking and work that has been done, we are not any closer to a clear explanation to what happened during the 1950s or any closer to answering the concerns that have been raised. Thank you.

**MADAM SPEAKER:**

Thank you. Supplementary, Mr. Alloo.oo.

Supplementary To Question 64-12(6): Information On Photoflashes In North Baffin

**MR. ALLOOLOO:**

Thank you, Madam Speaker. I appreciate the work that has been done by the Government of the Northwest Territories to find out, on behalf of the people of the north Baffin, what happened during the 1950s. Earlier in the spring, Madam Speaker, I was able to work with the Premier's staff to try to get information. I haven't heard from them since the spring. I gave them the name of an RCMP and Hudson Bay managers from that time, who are still alive today. I hope they were able to contact them since those people knew what products were being brought to the community by hunters, parts of whatever it was. These things were brought to the RCMP.

I wonder if the Premier is still pursuing the issue and is trying to find out what things were being brought to the RCMP and Hudson Bay managers during that time?

**MADAM SPEAKER:**

Thank you. Madam Premier.

Further Return To Question 64-12(6): Information On Photoflashes In North Baffin

**HON. NELLIE COURNOYEA:**

Madam Speaker, the work continues to take place. I have not given anyone a reprieve on our commitment to try to find out what happened and put it down to more detail. Even though there has been a

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considerable amount of searching going on, I can't give any further information or conclusion other than what the Members already know. But we will continue to try to pursue the matter until we come to some conclusion. So it's still an active file, Madam Speaker.

**MADAM SPEAKER:**

Thank you. Item 6, oral questions. The honourable Member for Yellowknife South, Mr. Whitford.

Question 65-12(6): Status Of Donor Cards For Drivers' Licences

**MR. WHITFORD:**

Thank you, Madam Speaker. Madam Speaker, some time ago, I was asking the Minister of Transportation whether it would be possible to have donor cards put on the back of drivers' licences. At the time, the Minister did assure me and the House that this matter was being looked into. Some time has gone by and I haven't heard anything more about it.

I'm looking at my driver's licence as I speak, Madam Speaker, and there is still no donor card on the back of it. I just wondered if the department is actually looking into this matter as the Minister assured us that he would be.

**MADAM SPEAKER:**

Thank you. Minister of Transportation, Mr. Todd.

Return To Question 65-12(6): Status Of Donor Cards For Drivers' Licences

**HON. JOHN TODD:**

Thank you, Madam Speaker. The honourable Member for Yellowknife South did suggest that we look at a donor card on the drivers licences. I know that the suggestion was well-intentioned.

However, in discussions with the Department of Health, it is somewhat impractical. I'm told that an operational donor card program requires the ability to remove the donors' organs, store and transport the tissue in a sterile environment, identify and prepare the recipient to receive the organ and carry out the delicate transplant surgery, all at short notice.

Given the conditions that exist in this part of the country, the lack of medical expertise that we have across the country and what would be required to do that kind of operation, at this time it is impractical. However, I do commend the Member for bringing that matter up earlier last year. Thank you.

**MADAM SPEAKER:**

Thank you. Supplementary, Mr. Whitford.

Supplementary To Question 65-12(6): Status Of Donor Cards For Drivers' Licences

**MR. WHITFORD:**

Thank you, Madam Speaker. I recognize that it is a delicate subject, but it's a subject that many people don't find delicate but find quite important. I recognize the fact that there are medical problems, but it depends on where you are.

Members of this House travel a lot, myself included, and do go south. God willing, an accident is not going to happen, but in the event it does, this is where these types of instruments that would authorize the donation of organs to help humanity can take place. I just wondered for those people who do look at this seriously, I wonder if this is a possibility. Or, after the Minister's answer, is this matter not closed?

**MADAM SPEAKER:**

Thank you. Minister of Transportation, Mr. Todd.

Further Return To Question 65-12(6): Status Of Donor Cards For Drivers' Licences



**HON. JOHN TODD:**

Well, the matter is never closed. As I said, I think that the question that was raised earlier in the year was a well-intentioned one. But there are some logistical problems. There are some expertise problems. We don't have doctors or surgeons across the territories.

We are still...No, the matter is closed. At this point in time, we're not in a position to put into effect the donor card as has been suggested by the honourable Member. Sorry. It's a lot easier that way.

**MADAM SPEAKER:**

Thank you. Supplementary, Mr. Whitford.

Supplementary To Question 65-12(6): Status Of Donor Cards For Drivers' Licences

**MR. WHITFORD:**

Thank you, Madam Speaker. I'm sorry to hear that because I do know of one instance here in Yellowknife where an unfortunate accident took the life of a young lady. As a result, the lens of the eyes were donated because the person had a donor card and those lenses, I understand, are easy to remove and easy to transport. They were successful in their transplant. It's unfortunate that this matter is closed because the need still exists for organs such as eyes.

I would like to ask the Minister if he would ask his department to again look at this, without putting the emotions that the department may have into it.

**MADAM SPEAKER:**

Thank you. Minister of Transportation, Mr. Todd.

Further Return To Question 65-12(6): Status Of Donor Cards For Drivers' Licences

**HON. JOHN TODD:**

I think the Department of Transportation is an unemotional lot. But we've looked at this thing in terms of the practical approach to it. As I said already, I thought the suggestion was an excellent one, earlier in the year. We have looked at it. We think it's a little impractical at this time to put it into effect. Maybe in future years as things change and as we get more expertise across the territories, new hospitals, et cetera, we may be able to do it. But at this time, we're not prepared to put any more fiscal resources into the research of this project. I hate to

say no to the honourable Member because I know it's an important issue, but I'm afraid at this time, we're not prepared to move any further on this project. Thank you.

**MADAM SPEAKER:**

Thank you. Item 6, oral questions. The honourable Member for Yellowknife Frame Lake, Mr. Dent.

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Question 66-12(6): Progress On Policy For Respite Care

**MR. DENT:**

Thank you, Madam Speaker. Madam Speaker, my question is for the Minister of Health and Social Services. It again relates to Tabled Document 59-12(5), which is the response of the government to the final report of the Special Committee on Health and Social Services. In response to one of the recommendations to an interim report, the government, in this document, committed to having Health and Social Services work closely with the Council for Disabled Persons on a policy for respite care which would be finalized early in the 1994-95 fiscal year and implemented in 1995-96. I would like to ask the Minister what progress has been made by this joint committee.

**MADAM SPEAKER:**

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

**HON. NELLIE COURNOYEA:**

Madam Speaker, I will take that question as notice.

**MADAM SPEAKER:**

Thank you. Item 6, oral questions. The honourable Member for Iqaluit, Mr. Patterson.

Question 67-12(6): Sale Of GNWT Multi-plex Housing Units

**MR. PATTERSON:**

Thank you, Madam Speaker. Madam Speaker, I would like to ask the Minister responsible for the sale of staff housing -- I'm not sure who that is, whoever that is -- about the sale of multi-plex units in Iqaluit and other communities in the Northwest Territories. If

there are employees interested in purchasing multiple units, is the Government of the Northwest Territories open to selling those multi-plex units in constituencies like mine? Thank you.

**MADAM SPEAKER:**

Minister of Public Works and Services, Mr. Morin.

Return To Question 67-12(6): Sale Of GNWT Multi-plex Housing Units

**HON. DON MORIN:**

Thank you, Madam Speaker. Yes, we are interested in selling those units.

**MADAM SPEAKER:**

Supplementary, Mr. Patterson.

Supplementary To Question 67-12(6): Sale Of GNWT Multi-plex Housing Units

**MR. PATTERSON:**

Thank you, Madam Speaker. I should have known it was Mr. Morin who was responsible, Madam Speaker. Madam Speaker, the problem that's posed in my riding is that some people who are interested in purchasing multiple units don't have the privilege of living in those units, and some people who are living in those units are not interested in purchasing them. So I would like to ask the Minister, since he is committed to encouraging the sale of those multiple units, if he will undertake to work with his colleague, the Minister of Personnel, to see that employees who are living in those units and not interested are gently eased out and offered alternative accommodation, and those who are interested in taking the plunge are allowed to move into those units so they can be eligible to purchase them. Thank you.

**MADAM SPEAKER:**

Minister of Public Works and Services, Mr. Morin.

Further Return To Question 67-12(6): Sale Of GNWT Multi-plex Housing Units

**HON. DON MORIN:**

Thank you, Madam Speaker. It has been made very clear to myself by Cabinet that they are interested in selling all government housing. I am supposed to deal with it on a community-by-community basis.

Whatever it takes to sell those units in Iqaluit, I will be pleased to work with the Member and get my department to work with Personnel and with your community to try to sell those units. Thank you.

**MADAM SPEAKER:**

Thank you. Supplementary, Mr. Patterson.

Supplementary To Question 67-12(6): Sale Of GNWT Multi-plex Housing Units

**MR. PATTERSON:**

I'm very pleased to hear that, Madam Speaker. I think that what would be required in my riding -- and I will be following this up with the Minister -- now that the offers have been made to invite employees to purchase single detached units, it is now timely that offers be made and deadlines be extended so that employees who wish to purchase the multiple units can make applications. Is that the kind of process the Minister has in mind, whereby an invitation will be given with a certain deadline so that interested employees can express their interest and get the ball rolling? Thank you.

**MADAM SPEAKER:**

Minister of Government Services and Public Works, Mr. Morin.

Further Return To Question 67-12(6): Sale Of GNWT Multi-plex Housing Units

**HON. DON MORIN:**

Thank you, Madam Speaker. Like I said previously, we would be happy to work with the Member and with the Department of Personnel to try to accomplish selling the units in Iqaluit. If that means extending deadlines, we'll look into that. Thank you.

**MADAM SPEAKER:**

Thank you. The time frame for oral questions has expired. Item 7, written questions. The honourable Member for Kitikmeot, Mr. Ng.

ITEM 7: WRITTEN QUESTIONS

Written Question 2-12(6): Elders' Residences Operated By The GNWT

**MR. NG:**

Thank you, Madam Speaker. My question is to two Ministers, as there is some overlap. It is to the Minister of Health and Social Services and the Minister responsible for the Housing Corporation.

1) Where are the locations of elders residences owned and/or operated by the GNWT? What are the levels of care provided in these residences?

2) How many rooms and bed spaces are available in each of these residences?

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3) How many vacancies are available in each of these residences as of September 30, 1994?

I ask, Madam Speaker, that the two Ministers undertake extensive consultation with each other in preparing the response to this question. Thank you.

---Laughter

**MADAM SPEAKER:**

Thank you. Item 7, written questions. Item 8, returns to written questions. Item 9, replies to opening address. Item 10, petitions. The honourable Member for Iqaluit, Mr. Patterson.

ITEM 10: PETITIONS

**MR. PATTERSON:**

Thank you, Madam Speaker. I wish to table a Petition No. 1-12(6) signed by 33 employees of the Baffin Correctional Centre in Iqaluit, expressing their concern that the proposed changes to the public sector pay and benefits will destroy the fragile economy of the Baffin. Thank you.

**MADAM SPEAKER:**

Thank you. Item 10, petitions. The honourable Member for Kivallivik, Mr. Arngna'naaq.

**HON. SILAS ARNGNA'NAAQ:**

Thank you, Madam Speaker. I wish to table Petition No. 2-12(6), from the community of Arviat with 134 signatures, regarding the requirement for a new Anglican church in the community. I would like to read the petition, Madam Speaker.

The Anglican church here in Arviat is too old and not well insulated. There is not enough room for the people. It was almost closed down by the fire

marshal due to the hazards. Therefore, in order to get a new church, we have to raise \$200,000. After we have raised \$200,000, we would then be given another \$200,000 to build the new church by the Anglican diocese of Canada. As we all know, there is a lack of room during special occasions such as Christmas, New Years, weddings, funerals and Easter. We, the undersigned, are asking for your support towards a new Anglican church. Thank you, Madam Speaker.

**MADAM SPEAKER:**

Thank you. Item 10, petitions. Item 11, reports of standing and special committees. The honourable Member for North Slave, Mr. Zoe.

ITEM 11: REPORTS OF STANDING AND SPECIAL COMMITTEES

Committee Report 5-12(6): Review Of The Financial Statements Of The Government Of The Northwest Territories And The Report Of The Auditor General For Canada For The Fiscal Year Ending March 31, 1993

**MR. ZOE:**

Thank you, Madam Speaker. I would like to present the report of the Standing Committee on Public Accounts. It reports on the review of the financial statements of the Government of the Northwest Territories and the report of the Auditor General for Canada for the fiscal year ending March 31, 1993.

Executive Summary

Madam Speaker, the public accounts for 1992-93 were tabled in the Legislative Assembly in November of 1993 and the Auditor General's report was received in April, 1994. The Standing Committee on Public Accounts conducted its public review of the report on June 20 to June 23, 1994 and also met on August 25, 1994 to prepare this report for the Legislative Assembly.

The public review initially consisted of a follow-up on issues and concerns of the standing committee from the previous year. Much of the focus was on the emerging role of the office of the Comptroller General resulting from the organizational changes within the government. The committee is concerned that combining the office of the Comptroller General with the Secretary to the Financial Management Board not lead to problems with respect to crucial information flow and accountability. In addition, the committee

examined the audit and evaluation functions and noted that high priority must be given to staffing and allocation of sufficient resources to fulfil evaluation objectives. The Finance committee of the Legislative Assembly should ensure that adequate checks and balances are maintained in the system and that evaluation subscribes to the highest levels of integrity and objectivity.

It was also noted that there had been an increase in the occurrence of fraud being perpetrated against the government, the investigation of which resulted in the diversion of substantial resources away from the regular audit activities.

The committee discussed several issues noted in the Auditor General's report with the Comptroller General. Among these were the implications and impacts of the health billings dispute, the pay equity dispute, and the policing costs associated with the Royal Oak labour dispute. In light of the potential negative impact on the financial stability of the government, the committee encourages a conservative and responsible approach to financial planning and management.

The Auditor General noted that there had, once again, been delays in the preparation of financial statements, particularly those of consolidated entities, such as the NWT Development Corporation and the NWT Business Credit Corporation. Dependence upon subsidiaries' statements, and lack of internal resources were cited as the primary reasons for the delays. The Auditor General suggested allocating more resources to the office of the Comptroller General to assist these entities. However, the Comptroller General advised the committee that additional resources have been allocated to the entities, themselves, to address the situation.

The Auditor General noted a number of overexpenditures in 1992-93 due to a variety of factors. In general, the committee discussed the overexpenditures with the appropriate officials and encourages departments and agencies to identify potential resource needs at an earlier stage wherever possible, so they can approach the Legislative Assembly for supplementary funding. Tabling a comprehensive listing of payments to suppliers and contractors on a quarterly basis will also enable the Legislative Assembly to monitor financial resources more closely.

The committee discussed the government's cash position in 1992-93 with the Department of Finance and noted that, while the situation has improved compared to the previous year, in 1993-94, the deficit in the cash position was roughly \$38 million. In addition, forecasts for 1994-95 predict a deficit in the cash position of \$78 million at year end. The committee stresses that, given the present situation, the potential impacts of health billings, pay equity, and police costs disputes, the cash position must be closely monitored and up-to-date information provided on a regular basis to the Legislative Assembly and to the Finance committee.

In chapter three, of the Auditor General's report, some problems were noted with the recording of capital expenditures. According to the financial administration manual, expenditures are to be recorded in the year they are incurred, not when they are actually paid. On a number of occasions, the Department of Municipal and Community Affairs did not accrue liabilities for work performed in 1992-93 in municipalities because the contribution agreements weren't signed until the following year. The committee is concerned that proper accounting procedures are followed and that authority of the Legislative Assembly to approve capital planning and spending is not circumvented.

In its 1991 report, the Public Accounts committee made several recommendations regarding the development of an assets control system for the Government of the Northwest Territories. While such a system is the responsibility of each department, the Public Works and Services model is the most widely used. Generally, departments are in various stages of implementing inventory control systems for both capital and controllable assets.

Closely related to inventory control is the issue of custodial storage and warehouse procedures which was raised by the Auditor General in 1991. The Department of Public Works and Services is presently conducting a review of these procedures which will include an inventory of all government warehousing facilities and stock currently being maintained, and a plan for privatizing warehousing. The current practices of maintaining and storing valuable artifacts were discussed, and there are indications that the GNWT policy is required in this area. Due to the specialized nature of the facilities also required for abstract storage, it is anticipated that the pending privatization plan will address this issue.

Another related issue that concerned the committee is the future direction of records management and storage. The committee felt that, if storage space is limited, it would be wise to investigate alternative methods using the latest technology at the same time that departments are encouraged in addressing the operational requirements of records management such as, what to keep and for how long.

Approximately 40 per cent of the total unconsolidated government expenditures in 1992-93 were grants or contributions. In consideration of such a large portion of the government's budget being given mostly to boards and agencies to deliver programs and services, it is imperative that financial controls and accountability are maintained. The Department of Health and Social Services assured the committee that communication and working relationships will be addressed and improved through the negotiation of the master memorandum of understanding to be completed by December 1994.

Similar issues were highlighted with respect to boards of education. The Department of Education, Culture and Employment informed the committee that six of seven boards have signed MOUs as the base of their relationship with the department. However, the department is currently revising the Education Act which is expected to provide a legislative framework for the boards' responsibilities and define accountability mechanisms.

The committee discussed several other issues noted by the Auditor General with the relevant departmental officials. The possibility of further investigating the use of video-conferencing technology to cut down on travel and other costs was examined, and a future requirement in public accounting sector for assessing and recording restoration costs incurred through environmental liability were discussed with both the Comptroller General and the Department of Renewable Resources.

In order to address a number of these issues and deal with specific areas of concern, the Standing Committee on Public Accounts made the following recommendation.

#### Recommendation 1

The Standing Committee on Public Accounts recommends that the Government of the Northwest Territories, through the office of the Comptroller General, investigate the possibility of engaging the

service of a forensic auditor for the sole purpose of dealing with attempts to defraud the government.

Regarding the health billings, pay equity and policing cost disputes, Madam Speaker, we made a number of recommendations.

#### Recommendation 2

The Standing Committee on Public Accounts recommends that the Legislative Assembly receive regular briefings from the appropriate officials on these and any other issues in dispute which have the potential to seriously impact the financial resources of the Government of the Northwest Territories.

#### Recommendation 3

The Standing Committee on Public Accounts recommends that the Department of Public Works and Services, on behalf of the government, provide a comprehensive listing of payments over \$5,000 made to suppliers and contractors by the Government of the Northwest Territories on a non-cumulative quarterly basis to be tabled in the Legislative Assembly within 45 days.

#### Recommendation 4

The Standing Committee on Public Accounts recommends that the government review the capital planning process, and the role of the Legislative Assembly and prioritize capital expenditures, and present options for ensuring legislative spending approval while improving process flexibility.

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#### Recommendation 5

The Standing Committee on Public Accounts recommends that the Department of Personnel, in cooperation with NorthwesTel, implement a pilot project in Yellowknife to test the cost-benefit of using video-conferencing technology for staffing procedures.

#### Recommendation 6

The Standing Committee on Public Accounts recommends that the Department of Personnel, in cooperation with NorthwesTel, assess the option for expanding the use of video-conferencing technologies as recommended in the travel management report.

Madam Speaker, that concludes the report of the Standing Committee on Public Accounts on the review of the financial statement of the Government of the Northwest Territories, and the report of the Auditor General of Canada for the fiscal year ending March 31, 1993.

Motion To Receive Committee Report 5-12(6) And Move To Committee Of The Whole, Carried

Therefore, I move, seconded by the honourable Member for Kitikmeot, that the report of the Standing Committee on Public Accounts be received by the Assembly and moved into committee of the whole. Thank you.

**MADAM SPEAKER:**

Thank you. Your 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

The honourable Member for North Slave, Mr. Zoe.

**MR. ZOE:**

Madam Speaker, I seek unanimous consent to waive rule 94(4) to permit the report of the Standing Committee on Public Accounts to be placed in committee of the whole today.

**MADAM SPEAKER:**

Thank you. The honourable Member is seeking unanimous consent to waive rule 94(4), to place this document into committee of the whole. Are there any nays? There are no nays. The document is placed into committee of the whole; Committee Report 5-12(6). Thank you.

Item 11, reports of standing and special committees. The honourable Member for Yellowknife Centre, Mr. Lewis.

Committee Report 6-12(6): Report On The Review Of Bill 3 - Guardianship And Trusteeship Act

**MR. LEWIS:**

Thank you, Madam Speaker. This is a report on the review of Bill 3, Guardianship and Trusteeship Act.

Madam Speaker, the Standing Committee on Legislation has completed its review of Bill 3, Guardianship and Trusteeship Act. The committee held public hearings in May 1994 in Fort Smith, Iqaluit and Yellowknife. The standing committee did not receive many presentations on this bill, however, the four presentations that were made were from contrasting perspectives.

Background

The Department of Social Services provided the following background material to the standing committee for consideration.

History And Development Of Guardianship And Trusteeship Legislation In The Northwest Territories

The need for a legal mechanism to protect "dependent adults" was identified in the early 1980s. In 1980, Alberta proclaimed their Dependent Adults Act. In 1993, it was decided that the Alberta act would be used as a model for legislation in the territories.

In October 1988, the draft bill, Dependent Adults Act, for the Northwest Territories was finalized and distributed to organizations throughout the territories requesting feedback and criticism. The results were the development of a complete redraft. The initial concerns raised about the draft legislation were due to progressive developments in guardianship legislation throughout Canada. New legislation had been proclaimed in Ontario, Saskatchewan and Nova Scotia. The Fram Commission in Ontario had three years of public hearings to discuss and recommend the best type of legislation for adult dependents.

In April 1989, the Department of Social Services began the redraft of the Dependent Adults Bill (NWT) which was to incorporate the suggestions received during the 1988 consultative process. The bill was substantially changed in focus due to ongoing consultations and in particular, the Fram Commission Report (Ontario) which was released in the latter part of 1988.

Consultations brought forth numerous recommendations leading to changes in the final bill. Primary recommendations which lead to changes were:

- define the age for an adult as 18 years;

- allow a "friend" to act as a guardian rather than a family member;
- allow the "represented person" to choose the person they want as a guardian when the person is capable of making the choice;
- give legal validity to a person's prior wishes or decisions made when competent;
- state that guardian must reside in the NWT;
- develop a section ensuring language rights;
- in defining "spouse" give recognition to "common-law" unions;
- the public guardian to be the guardian of last resort only when no family person or friend is available or willing to act;
- reports for the court may be prepared by persons other than a doctor, for example, psychologist or a person appointed by the public guardian;

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- give the court wide discretionary powers so decision-making can be limited to some and not all areas of a person's life;
- provide a section of the act for the protection of abused elders and/or disabled persons;
- change the test for incapability from a finding of mental incompetency to a finding of inability to understand consequences of personal decision-making;
- abolish the phrase "dependent adult" and change the name of the act;
- have a provision for an alternate guardian;
- have a provision for temporary orders;
- encourage the represented person to be involved in decision-making with the guardian;
- provide safeguards if the guardian is not fulfilling his or her duties;
- provide for the review of a guardianship order which is flexible within a defined time frame rather than on a specific date;

- include provision for discharging a guardian who is unsatisfactory;
- ensure the person applying for guardianship has had personal, positive knowledge of and friendly contact with the person to be represented;
- provide for the appointment of a public guardian.

All of the recommendations listed previous have been incorporated in Bill 3, Guardianship and Trusteeship Act.

#### Public Input

The standing committee received submissions from Anne Crawford, Lynn Hirshman, the Yellowknife Association of Community Living and the Avens Seniors Centre. The opinions expressed by the presenters ranged from complete support of the proposed legislation to eliminating the legislation in its entirety. To illustrate the polarity of views regarding this bill, the following quotes from presentations made before the committee are provided:

"It is the Yellowknife Association for Community Living's position that the current proposed legislation of Guardianship and Trusteeship Act, Bill 3, is not what the Government of the Northwest Territories should be considering at this time. Should this bill pass, people with mental handicaps will be at high risk of losing their self-determination, independence and dignity." Yellowknife Association for Community Living, May 1994.

"I think I would have to challenge the community living people in the sense that a mentally handicapped individual is not incompetent. You can have a disability, you can be mute and yet quite capable of making life decisions. I think that it is very important to keep in mind that in most cases, those people would not require the use of this act because their decision-making capabilities are not threatened. They may not be able to perform functions of daily living, but their mind is quite capable. The clients I see that fall under this act are those who are incompetent. They are mentally incompetent. They don't know where they are when they are on a street corner. They don't know if they have just come out of the bathroom or if they are in their house 50 years ago. They are the ones who need the protection that this act would allow. The clients who have a handicap are not incompetent and should never be reflected that because you have a handicap you fall under this act." Kathy Praamsma, Avens Senior Centre.

"I think that any legislation in this area, dealing with people with mental handicap or with or without mental capacity, runs a lot of serious risks and I can think of three. Legislation, firstly, sometimes can be inflexible so that the people who are affected by it do not have the opportunity and the flexibility to respond in appropriate ways to unique circumstances. Secondly, if something is permitted by legislation, then there is a perception that this is the only thing that can be done. For example, if we have to have legislation passed that says their hair may be cut by barbers, then eventually, it would be interpreted by many people as meaning that only barbers can cut hair. That is not what the legislation intended, but there is that natural tendency to interpret legislation that way." Allistar Gunsun, Manitoba Association for Community Living.

#### Interjurisdictional Review

The Law Reform Commission of Saskatchewan points out:

"Guardianship legislation is not a substitute for effective social programs to provide services and financial assistance to persons who cannot care for themselves. Rather, it provides a legal status in cases in which formal recognition of the relationship of guardian and ward is required to ensure that adequate care and protection are provided."

Rarely is the legal issue that of determining whether a person is mentally disabled and how that term is to be defined. The legal inquiry is usually more specific. It is concerned with whether the disability is such to prevent the person from understanding the nature and consequences of the subject matter in issue.

The most important legal principle in this area is that there is no such concept as total legal incapacity arising from mental disability. Incapacity in one area does not necessarily imply incapacity in another. As was stated in the report of the Ontario enquiry on mental competency, "Incompetence is not to be understood in any global sense, but rather as reflecting incapacities with respect to specific decisions or areas of decisions".

Mental disability may often affect a person's capability to exercise certain legal rights but not others. Persons who have been declared by a court to be mentally incompetent or mentally incapable of managing their own affairs, may still have the legal capacity in many other areas, such as capacity to marry or to make a will.

The appointment of a personal guardian seeks to ensure that the ward will receive the required care and protection. It does so by placing a duty on the guardian to act in the best interests of the ward, and by investing the guardian with the powers that are necessary to discharge that duty. Clear and well-reasoned criteria for the appointment of a guardian must be provided and the powers and duties of a guardian must be clearly defined.

Most provinces in Canada do not allow for partial or limited guardianship. The legislation adopts an all-or-nothing approach, with mental competence and

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incompetence being viewed as mutually exclusive absolutes. It fails to recognize that individuals may need the assistance of a guardian in certain areas of their lives and not in others. For example, an individual may be incapable of giving valid consent to medical treatment, but still be capable of deciding where to live and with whom. Without the flexibility of limited guardianship, the law is imposing protective overkill and is unable to respond to the philosophy of the least restrictive alternative.

Three provinces, Alberta, Saskatchewan and Ontario have revised their adult guardianship legislation to allow for limited guardianship. Alberta was the first province to adopt a radically different approach to guardianship with the introduction of its Dependent Adults Act. The most important feature of this act is its implementation of the concept of limited guardianship. The legislation as originally enacted, drew a distinction between plenary and partial guardians. An order for plenary for full guardianship could be made only if the court was satisfied that partial guardianship would be insufficient to meet the needs of the dependent adult.

The Dependent Adults Act of Alberta recognizes that to the extent that the dependent adult is capable of making his or her own decisions and of taking care of himself or herself, he or she should be given the opportunity to do so. This is reinforced by the requirement that guardians exercise their power of authority in the least restrictive manner possible. The NWT Guardianship and Trusteeship Act borrows heavily off the Alberta legislation in this area.

Another significant aspect of the Alberta Legislation is its criteria for determining whether a guardian ought to be appointed. It requires the court to be satisfied that the individual is repeatedly or continuously unable to



care for himself or herself and to make reasonable judgements with respect to matters relating to his or her person. Attention is focused not on whether the person falls within a specified diagnostic category, but rather on the ability to take care of oneself and to make decisions affecting one's personal welfare.

Most jurisdictions in Canada require that the application for guardianship be accompanied by affidavits from at least two medical practitioners. These affidavits must contain more than a statement of opinion that the individual in question is mentally incapable of managing his or her affairs. They must provide details of the facts on which this opinion is based. This enables the court to determine whether the opinion is founded upon sufficient grounds. In practice, the medical affidavit is often divided into the following four sections:

- a) an initial statement of the physician's qualifications;
- b) details of the physician's contact and involvement with the individual and any treatment administered;
- c) the physician's diagnosis of the individual's condition;
- d) the physician's conclusion, prognosis and opinion, if any, as to the individual's capacity to manage his or her own affairs.

A study was undertaken in Alberta in the late 1980s that identified the skills and abilities that should be assessed in guardianship proceedings and the methods and techniques that should be employed in that assessment. The study's recommendations and assessment instruments are now used extensively in guardianship proceedings in Alberta. The study emphasized the importance of assessing mental competency with the tests that are appropriate to the person's own environment. For example, when someone has been living in a restrictive environment, such as an institution for the mentally retarded, many of the skills considered necessary to appear competent may not have been actively encouraged and, in fact, may have been discouraged.

Once an assessment has been completed, the court must then be satisfied that a guardianship order would be in the best interests and would result in substantial benefit to that person. The court tends to rely heavily on functional assessments in determining whether these criteria are satisfied. These assessments and the court's attention are focused on the specific areas in which the guardian may be

granted power and authority. The court would grant the guardian only those powers that are necessary to make or assist in making reasonable judgements. Therefore, the court must look into each of the legislation's specified areas and determine which, if any, are areas in which the adult is unable to make reasonable judgements and would substantially benefit by interference.

In Alberta, the public guardian's office issued a policy directive which states that a test of substantial benefit must be applied to each area of guardianship requested, and that guardianship should be viewed as a last resort. See Appendix A.

#### Review Results

The committee, during its review, explored all the concerns expressed by the public. It is the committee's opinion that the proposed legislation addresses most of the concerns in one manner or another. However, the committee, with the agreement of the Minister, wants to see an amendment to the legislation that would give preferential consideration to family members becoming the appointed guardian.

Although this legislation will require constant monitoring for effectiveness, the committee feels that it is one of the most progressive pieces of legislation of its kind in Canada at this time. Therefore, on September 9, 1994, the committee passed a motion that this bill was ready for consideration in committee of the whole.

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

Madam Speaker, that concludes the report of the Standing Committee on Legislation on Bill 3. Therefore, I move, seconded by the honourable Member for Deh Cho, that the report of the Standing Committee on Legislation on Bill 3, Guardianship and Trusteeship Act be received by the Assembly and moved into committee of the whole.

**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.

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---Carried

The honourable Member for Yellowknife Centre, Mr. Lewis.

**MR. LEWIS:**

Thank you, Madam Speaker. I seek unanimous consent to waive rule 94(4) to permit the report of the Standing Committee on Legislation to be placed in committee of the whole today.

**MADAM SPEAKER:**

Thank you. The honourable Member is seeking unanimous consent to waive rule 94(4) to place the report in committee of the whole today. Are there any nays? There are no nays. Committee Report 6-12(6) on Bill 3 is placed in committee of the whole today. Item 11, reports of standing and special committees. The honourable Member for Deh Cho, Mr. Gargan.

Committee Report 7-12(6): Report On The Review Of Bill 7 - An Act To Amend The Arctic College Act

**MR. GARGAN:**

Thank you, Madam Speaker. Madam Speaker, this is the report of the Standing Committee on Legislation on Bill 7, An Act to Amend the Arctic College Act. This is the second time this committee has had the opportunity to review this particular piece of proposed legislation. Bill 16, An Act to Amend the Arctic College Act, was reviewed by this committee in March 1994. The committee reported to this House that it would be unable to complete its review prior to the prorogation of the Fifth Session. The government reintroduced the bill on April 6, 1994, at the beginning of the Sixth Session of this Assembly.

The standing committee has since had an opportunity to review Bill 7, An Act to Amend the Arctic College Act. The committee began its review on May 16, 1994 and held public hearings in Iqaluit, Fort Smith and Yellowknife. The committee is prepared to report its findings at this time.

The standing committee fully supports the creation of two colleges in the Northwest Territories to prepare for Nunavut. This committee is concerned, however, that this bill places the authority to establish and

name colleges in regulation. The decision to create or dissolve colleges is important to the public as well as Members of this Assembly. The committee is not convinced that the establishment and naming of colleges should be decided behind closed doors. The committee believes that these decisions should have a level of accountability to the Members of the Assembly attached to them.

**Recommendation 1**

Therefore, the committee recommends that the establishment and naming of colleges be established in legislation where Members of the Assembly may participate in the process, and further that the legislation expressly limit the creation of colleges to two, one in the west and one in Nunavut.

**On The Matter Of This Bill Repealing The Science Institute Act**

The committee feels that by becoming part of Arctic College, a larger institution, perhaps more resources will be available to the Science Institute. In addition, there may be a strengthening in terms of science training and linkages to community education. However, the committee feels that the potential loss of the Science Institute's entrepreneurial abilities when the arm's-length relationship is dissolved and the encumbering of the opportunity to enter into contracts, third-party arrangements and collaborative ventures, may have serious implications on science research and activity in the north. Further, the committee feels that it may be seen that the Science Institute, under the Education umbrella, is losing its objectivity and this could affect the credibility of northern science in general.

The committee is concerned that the college's priorities of training and education could overshadow the Science Institute. The range of functions that the Institute currently has in terms of research support, conducting research, conducting technological development programs and so forth, may be relegated to the back burner. Although this bill does not preclude those activities from taking place, there is no direct legislative mandate for those activities in this bill.

The committee is also concerned with the fact that accessibility to science advice will twice be removed from the Legislative Assembly. Under the previous Science Institute Act, the Legislative Assembly could access research through a motion in the House to have the Minister responsible for the Science Institute

direct the Institute to provide the House with information on particular science matters. This bill gives the powers that currently reside in the Minister responsible for the Science Institute, to an appointed board. This bill would see an advisory committee appointed by a board that reports to a Minister who then is accountable to the Legislature.

The committee feels that, due to these areas of concern, the committee cannot support the integration of the Science Institute with the Department of Education.

On June 1, 1994, the committee passed a motion to recommend this bill to the committee of the whole for debate. Further, the committee passed a motion not to support Bill 7 in its present form.

Motion To Receive Committee Report 7-12(6) And Move To Committee Of The Whole, Carried

Madam Speaker, that concludes the report of the Standing Committee on Legislation on Bill 7. Therefore, I move, seconded by the honourable Member for Yellowknife Centre, that the report of the Standing Committee on Legislation on Bill 7, An Act to Amend the Arctic College Act, be received by the Legislative Assembly and moved into committee of the whole.

**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

Item 11, reports of standing and special committees. Item 12, reports of committees on the review of bills. Item 13, tabling of documents. The honourable Member for Inuvik, Mr. Koe.

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ITEM 13: TABLING OF DOCUMENTS

**MR. KOE:**

Thank you, Madam Speaker. I wish to table Tabled Document 26-12(6), a news release titled "National Strategy to Deal with Urgent Health Priorities of First Nations and Inuit." It's a release from the Government of Canada, Health Minister, Diane Marleau, unveiling the "Building Healthy Communities: A New Health Care Strategy for First Nations and Inuit."

**MADAM SPEAKER:**

Item 13, tabling of documents. Item 14, notices of motion. Item 15, notices of motions for first reading of bills. Item 16, motions. Item 17, first reading of bills. Item 18, second reading of bills. Item 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 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 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; and, Bill 12, An Act to Amend the Commissioner's Land Act; also, Committee Report 5-12(6), Report on the Review of the Financial Statements of the Government of the Northwest Territories and the Report of the Auditor General for Canada for the fiscal year ending March 31, 1993; and, Committee Report 6-12(6), A Report on the Review of Bill 3 - Guardianship and Trusteeship Act, with Mr. Ningark in the chair.

ITEM 19: CONSIDERATION IN COMMITTEE OF THE WHOLE OF BILLS AND OTHER MATTERS

**CHAIRMAN (Mr. Ningark):**

Thank you. The committee of the whole will come to order. Mr. Brian Lewis.

**MR. LEWIS:**

Mr. Chairman, I believe the committee would like to deal with bills 9, 10, 11 and 12, in that order.

**CHAIRMAN (Mr. Ningark):**

Thank you. Do we have concurrence of the committee to deal with bills 9, 10, 11 and 12, in that order? Agreed?

**SOME HON. MEMBERS:**

Agreed.

---Agreed

**CHAIRMAN (Mr. Ningark):**

Thank you. We will take a 15-minute break and then resume the committee. Thank you.

---SHORT RECESS

Bill 9: An Act To Amend The Charter Communities Act

**CHAIRMAN (Mr. Ningark):**

Thank you. The committee will now come to order. We are dealing with Bill 9, An Act to Amend the Charter Communities Act. Would the Minister of MACA like to make any opening remarks? Ms. Mike.

Minister's Introductory Remarks

**HON. REBECCA MIKE:**

Thank you, Mr. Chairman. I am pleased to address your committee today on four bills which contain proposed amendments to legislation for quarrying in NWT communities; amendments that will help to remove any uncertainty with the existing wording in our municipal legislation and in the Commissioner's Land Act.

First of all, Mr. Chairman, I need to advise you that these legislative amendments are quite unusual in one sense, due to the retroactivity provisions contained in the bills. I will try to explain the particular circumstances that justify this legislative approach. However, apart from the retroactivity aspect, I trust that I will also be able to demonstrate that the additional clauses in the bills are not otherwise controversial and are designed simply to clarify the status quo concerning quarrying in communities.

It is also very important to note, Mr. Chairman, that these bills do not impact in any way on aboriginal or treaty rights, existing land claims agreements or any ongoing negotiations relating to aboriginal rights.

At this time, I would like to provide the committee with a brief overview as to why these legislative amendments are not being proposed. I am sure you are aware, Mr. Chairman, that every NWT community has at least one local quarry that is used to provide sand, gravel or some other type of granular material. This granular material is essential in our northern climate for most construction projects, especially to provide insulation against the permafrost.

Historically, the local public quarries were managed by the communities on an informal basis. However, as the communities grew and the scale of development increased, there arose a need for an administrative system to address competing interests between the needs of the government, building contractors and local residents.

The GNWT created the Commissioner's Land Act and regulations in 1969, and, around about the same time, also developed municipal legislation for the operations of cities, towns, villages, hamlets and settlements.

In 1988, the GNWT also created legislation for charter communities. Based on this original legislative framework, the GNWT has entered into quarrying leases for quarry administration agreements with many of the large communities. These agreements were designed to formalize the important role of the communities in managing their public quarries at the local level. A number of these communities have been carrying on with these arrangements since 1970. Mr. Chairman, some of our legislation, such as the Commissioner's Land Act, is 25 years old and not as legally up to date as it should be with case law that exists elsewhere in Canada concerning the management of quarries in communities.

It was recently that the GNWT Department of Justice undertook a detailed review of our existing legislation. This was prompted by two ongoing lawsuits directed against the NWT municipality and the Commissioner. The court cases have challenged the validity of certain aspects of our quarry arrangements made between the GNWT and communities. The Department of Justice has recommended that

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our existing legislation be amended to remove any uncertainty about the past and present authority of GNWT and communities to enter into agreements and leases with respect to quarries and these lands to

issue quarry permits and to levy and collect quarry fees and charges.

As a result, the bills confirmed that the communities and the GNWT have and have always had the authority to enter into leases and agreements respecting quarries and land in the communities, and to issue quarry permits.

In addition, the bill amending the Commissioner's Land Act confirms the authority of the GNWT to make regulations respecting quarrying on Commissioner's Land. That bill also expressly validates any quarry fees or charges that were levied by the municipal corporation or a land agent before the bill's introduction.

The fact that those fee-validating provisions, as well as the municipal bills, are to come into force on the date of introduction of first reading, is somewhat unusual. This date was chosen to preclude any further lawsuits against municipalities and the GNWT with respect to the past quarry operations that might otherwise be encouraged by any publicity generated by the introductions of these bills.

I want to stress that there is no attempt being made here to impose any retroactive penalties on quarry operators. Virtually all these quarry operators have been properly following the quarry rules set out in each municipality, with full knowledge of the local quarry administration system.

These bills will simply confirm that all of these local rules are within the legal capacity of the municipal corporation, are thus validated.

Mr. Chairman, nothing in these bills will detract from allowing committee of the whole and the Legislative Assembly to have a full and thorough examination of these amendments. These bills will not come into effect unless they receive the approval of the Assembly at third reading, in the normal process followed then by assent from the Commissioner. However, if and when this final approval does occur, then the effective commencement date of the municipal legislation and the fee-validating provisions of the bill amending the Commissioner's Land Act would be as of April 1994, the date of first reading for the reasons that I have just mentioned regarding possible new court challenges.

I want to assure you that these amendments are not an initiative to significantly alter the intent of any of the existing arrangements between the GNWT and the

communities concerning local quarries. Most importantly, there is no attempt on our part to prejudice aboriginal or treaty rights in existing land claims agreements or any outstanding aboriginal claims negotiations. Aboriginal rights are protected under the Constitution Act, 1982, which is superior to any act of the Northwest Territories.

In closing, Mr. Chairman, I want to assure you that despite the unusual retroactive provisions of these bills, they are simply a matter of making the existing legislation more explicit with regard to quarrying in communities. These bills clearly need to be addressed in this upcoming session, and I hope that your committee will look favourably on the intent and wording of these legislative amendments.

Mr. Chairman, I will now be prepared to answer any detailed questions that you or Members may have on the proposed bills. Thank you.

**CHAIRMAN (Mr. Ningark):**

Thank you, Madam Minister. As per procedure for review of bills, I will now recognize the chairman of the Standing Committee on Legislation, Mr. Gargan.

Standing Committee on Legislation Comments

**MR. GARGAN:**

Thank you, Mr. Chairman. Mr. Chairman, because the bills are all similar with regard to granular material, I will be just making one statement addressing all four bills.

I will speak loud at times in order to startle the Members to stay awake.

The Standing Committee on Legislation has completed its review of bills 9 to 12; An Act to Amend the Charter Communities Act, An Act to Amend the Hamlets Act, An Act to Amend the Cities, Towns and Villages Act, and an Act to Amend the Commissioner's Land Act. Each of bills 9, 10 and 11 amend the legislation in exactly the same way.

The standing committee held public hearings in Yellowknife on September 9, 1994. The only presentation heard towards each proposed amendment was received from the city of Yellowknife, although all municipalities, band councils and tribal councils were notified about the pending amendments back in April, 1996; I'm sorry, 1994.

The amendments to the legislations are being proposed to validate the quarry fees and charges that have been levied by municipalities to protect the current practice of municipalities with regard to the administration of quarries which the government has delegated to them.

Almost every community in the Northwest Territories has at least one local quarry that provides sand, gravel or other granular material. The legislation governing municipalities in the Northwest Territories is old and recent court cases have challenged the validity of certain aspects of the quarry arrangements between the Government of the Northwest Territories and the communities.

The Department of Justice recommended that the existing legislation be amended to remove any uncertainty about the authority of the government to enter into agreements and leases with communities with respect to quarries. The proposed amendments intend to confirm that the government has and always has had the authority to enter into leases and agreements respecting quarries with communities.

Municipalities derive all of their powers from the statutory base. Without the expressed authorization to operate a quarry, it might be possible that someone would argue that the municipality did not have the legal authority to operate the quarry.

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Further, the amendments come into force on the day of the first reading to preclude any further law suits with respect to past quarry operations. The Minister assures this committee that the arrangement does not modify any land claims. The committee is concerned, however, that this is the second time in a two-year period that the committee has reviewed amendments to the various municipal legislation. The committee is not convinced that the piecemeal review of the legislation is a profound way of ensuring that the legislation we have in place is the best it can be.

Given the age of the legislation and the implementation of various land claims, the committee suggests that the government review the legislation as a whole with a view to bringing it up to date. On September 9, 1994, the committee passed a motion that bills 9 to 12 were ready for consideration in committee of the whole.

**CHAIRMAN (Mr. Ningark):**

Thank you, Mr. Gargan. I am informed that the Minister for MACA has mentioned, in her opening remarks, all of the four bills, so we will now proceed to the next one. Would the Minister like to bring the witnesses before we open the general comments.

**HON. REBECCA MIKE:**

Yes, Mr. Chairman.

**CHAIRMAN (Mr. Ningark):**

Thank you. Do we have the concurrence of the committee that the Minister will bring in the witnesses?

**SOME HON. MEMBERS:**

Agreed.

---Agreed

**CHAIRMAN (Mr. Ningark):**

Thank you. Proceed, Sergeant-at-Arms. Would you please bring in the witnesses. For the record, Madam Minister, would you introduce the witnesses to the committee.

**HON. REBECCA MIKE:**

Mr. Chairman, on my left is Shawn Flynn, legislative council from the Department of Justice. On my far right is Richard Ashton, senior land advisor and on my immediate right is my deputy minister, David Ramsden.

**CHAIRMAN (Mr. Ningark):**

Thank you. We are dealing with Bill 9, An Act to Amend the Charter Communities Act. We will speak to the specific bill and once the general comments and the bill have been dealt with, we will move on to the next bill. The floor is now open for general comments from the Members. Mr. Arvaluk.

General Comments

**MR. ARVALUK:**

Thank you, Mr. Chairman. Before we proceed with Bill 9, I would like to ask a general question. I just need clarification of the committee report. I'm just a little confused about the last paragraph of the committee's report. I want to be very clear as to how we deal with Bill 9. This part is confusing me a little bit. On the last page, given the age of the legislation

and the implementation of various land claims, the committee suggests that the government review the legislation as a whole with a view to bringing it up to date. In other words, do I understand that because this bill is not legislation as a whole, but rather some amendment to the existing legislation. In the next paragraph, it's stated that the committee passed a motion that bills 9 to 12 were ready for consideration in committee of the whole.

It seems confusing to me because maybe I don't understand the procedure here. If I was asking the government to review the legislation as a whole, I would not recommend bills 9 to 12 to be ready for consideration in committee of the whole. Can I have clarification from the chairman before we proceed?

**CHAIRMAN (Mr. Ningark):**

Thank you. Perhaps the Chairman of the Standing Committee on Legislation could try to provide clarification to Mr. Arvaluk's question.

**MR. GARGAN:**

Mr. Chairman, what was the...Did you direct the question to me or to...

---Recording Difficulties

**CHAIRMAN (Mr. Ningark):**

Thank you. It is my understanding that the committee is making a suggestion to the government to amend the existing legislation on bills 9, 10, 11 and 12. We are now reviewing these bills at this point. Mr. Gargan.

**MR. GARGAN:**

Mr. Chairman, rather than repeating my presentation four times on the same amendments for each of the bills, I've decided since all the amendments are the same that I'll report all the bills that address the amendments that effect all those individual bills with regard to quarries.

The other thing that I just wanted to mention to Mr. Arvaluk is that we just had municipal acts during the last session. Again, in order to address the legal issue, the Minister had to come up with new amendments. Every time there is a problem, the department comes to the standing committee to amend those small problems that are popping up. The suggestion here is that the Minister should come up with a more up-to-date review of the whole act so

we are not continuously piecemealing the sections to satisfy the department.

**CHAIRMAN (Mr. Ningark):**

Thank you. Mr. Arvaluk.

**MR. ARVALUK:**

Thank you, Mr. Chairman. You mean the committee is requesting the government to come up with a new bill, after the amendments have been passed for these bills, from Bill 9 to Bill 12. Are you asking them, after these bills are passed, to put together all of this legislation to bring it up-to-date? As long as I have that understanding, I have no problem in dealing with the amendments. Qujannamiik.

**CHAIRMAN (Mr. Ningark):**

Mr. Gargan.

**MR. GARGAN:**

Mr. Chairman, we are requesting the department to do that; to have a comprehensive review of all the municipal bills, so that we don't run into the problem of continuously having to deal with small amendments to all of these acts.

**CHAIRMAN (Mr. Ningark):**

Thank you. General comments regarding Bill 9. Do we agree to go clause by clause?

**SOME HON. MEMBERS:**

Agreed.

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---Agreed

Clause By Clause

Bill 9, An Act to Amend the Charter Communities Act. Clause 1.

**SOME HON. MEMBERS:**

Agreed.

---Agreed

**CHAIRMAN (Mr. Ningark):**

Thank you. Clause 2.

**SOME HON. MEMBERS:**

Agreed.

--Agreed

**CHAIRMAN (Mr. Ningark):**

Thank you. Clause 4. Mr. Gargan.

**MR. GARGAN:**

Mr. Chairman, although the act is straightforward and deals with the whole legal issue of who gives the directive to the municipalities or authority in order for them to operate and charge fees to quarries, part of my presentation dealt with aboriginal claimant groups. I would like to satisfy my own constituency and perhaps even the constituencies of people who don't have land claims, and question whether the whole issue of lands, the ownership of land and what is on it, has been addressed. Has the department dealt with what happens to areas in which lands are still in dispute and have never been surrendered by way of land claims? Do you have legal opinions on that?

**CHAIRMAN (Mr. Ningark):**

Thank you. I have to correct myself. After clauses 1 and 2, I asked for agreement of clause 4. It is actually clause 3. Madam Minister.

**HON. REBECCA MIKE:**

Thank you, Mr. Chairman. In my opening remarks, I indicated that aboriginal rights are protected under the Constitution Act which is superior to any act of the Northwest Territories. So, there is protection under the Constitution Act.

**CHAIRMAN (Mr. Ningark):**

Thank you. Mr. Gargan.

**MR. GARGAN:**

In this case, then, if a band has some concerns about areas in which quarries are developed and this is a disputed area, there could be some serious problems for this government.

**CHAIRMAN (Mr. Ningark):**

Thank you. Madam Minister.

**HON. REBECCA MIKE:**

Mr. Chairman, I'll let Mr. Flynn respond to that question...

---Recording Difficulties

**CHAIRMAN (Mr. Ningark):**

Mr. Ashton.

**MR. ASHTON:**

Thank you very much, Mr. Chairman. I think the easy answer to that question is that these bills do not affect the ownership of lands, especially in those areas where the ownership is in dispute. We have a situation where quarries exist in communities and they are being operated. We want to make it very clear that these existing operations are in the capacity of the territorial government, the municipalities or any agent of the government to run.

In the case where there may be lands that are disputed, the ownership is more of a question of where and when quarries should be developed. That is more related to the land application and citing process. The focus of these bills is simply to say that the operations that exist today, and the fees and charges that have been made, were always intended to be legal and we are making it explicit that they are legal.

This is not an attempt to turn over any lands or change the ownership of any lands thereby prejudicing any discussions about land ownership. This is simply recognizing that the quarries are already being operated. Thank you, Mr. Chairman.

**CHAIRMAN (Mr. Ningark):**

Thank you. Mr. Zoe.

**MR. ZOE:**

I realize the necessity of putting this into legislation, but one of the questions I would like to pose to the department is in relation to Mr. Gargan's concern. I realize that if these amendments are passed, then municipalities that would like to have a quarry on Commissioner's land, outside their municipal boundaries would need to have some kind of agreement between the department and the municipal corporation.

In that respect, Mr. Chairman, there is the subject of third-party interests. Let me use my area, for example. People are negotiating land claims. What if



there are third-party interests in the area where the quarry is being developed? How is that going to be addressed by the department, if they want to claim a certain area within Commissioner's land, or even in the municipal boundaries?

**CHAIRMAN (Mr. Ningark):**

Mr. Zoe, I think you've been cut off. Mr. Zoe.

**MR. ZOE:**

Thank you, Mr. Chairman. The amendments that are before us don't deal with these types of situations that I'm describing here. So I'm just curious as to how the department would handle these types of situations.

**CHAIRMAN (Mr. Ningark):**

Thank you. Madam Minister.

**HON. REBECCA MIKE:**

Mr. Chairman, I'll let Mr. Ashton respond to Henry Zoe's question.

**CHAIRMAN (Mr. Ningark):**

Mr. Ashton.

**MR. ASHTON:**

Thank you, Mr. Chairman. I agree with the statement that Mr. Zoe has made, that before any type of new operations were to be established there should be an agreement entered into by the municipality and the government or the owner of the land, whoever it may be. Again, this is what the focus of this legislation is about, to make sure that the municipality has the explicit legal capacity to enter into that agreement. And then, if it's on Commissioner's land, the Commissioner has the explicit legal capacity to enter into that.

The legislation does not go into the details of what would be contained in that type of an agreement. Historically, what we have encouraged the municipalities and the communities to do

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is to develop their own rules and procedures and their own quarry administrative system that they would like to see in any such agreement. As it pertains to third parties, we would like to make sure that the

municipalities and the communities have the legal capacity to take control of their own local concerns.

So we haven't gotten into that level of detail because we don't see that as a problem with the legislation. Once they have the legal capacity to enter into agreement, it would flow from that that they could set the terms and conditions that best suit their local needs.

**CHAIRMAN (Mr. Ningark):**

Thank you. Mr. Zoe.

**MR. ZOE:**

Mr. Chairman, I understand the purpose of these amendments is to give municipalities legal authority. I guess my question is in relation to claims. I was hoping that the department would say if the municipality is going to develop a quarry on Commissioner's land outside of a municipal boundary, the act says that agreement has to be signed between the government and the municipality so that it can operate a quarry on Commissioner's land. I was hoping that the department would say within this agreement we can specify that in the event that the claimant group claims this area, then it would be allowed. Some sort of clause within the proposed agreement that's going to be administered by the department. If that's the case, I don't have a big problem with the amendments that are being proposed here, because it's straightforward, it's just giving authority to the municipalities to operate their own quarries. Mahsi.

**CHAIRMAN (Mr. Ningark):**

Thank you. Madam Minister. Mr. Ashton.

**MR. ASHTON:**

Thank you, Mr. Chairman. In reply to the question, I think the important thing to realize, in particular with the situation in the Dogrib area where third-party interests and land claims negotiations are under way, is that we do have signed interim protection provisions that relate to any dispositions of land. So this bill does not automatically give the right to a municipality to go and establish a quarry. It gives them the legal capacity to do that, but there's still the next step that they have to approach the land owner and go through a whole land application process. This process is now subject to the interim provisions agreed upon by the Government of Canada, the territorial government and the Dogrib Treaty 11

Council. In that, there's a consultation process to make sure that areas of specific interest to third parties are not given away in claims processes. So we are continuing to operate with that in mind.

**CHAIRMAN (Mr. Ningark):**

Thank you. Clause 3. Mr. Ng.

**MR. NG:**

Thank you, Mr. Chairman. I would like to ask, the jurisdiction for establishing operating quarries would go through the municipalities in this case. How about as far as the jurisdiction for quarry fees? Whose jurisdiction...Would that remain with the Department of MACA, or would that go over as well?

**CHAIRMAN (Mr. Ningark):**

Thank you. Madam Minister.

**HON. REBECCA MIKE:**

Thank you, Mr. Chairman. That will be with municipalities, and the recoveries are on a cost basis.

**CHAIRMAN (Mr. Ningark):**

Thank you. Member for Kitikmeot.

**MR. NG:**

Thank you. So that jurisdiction is in the existing act, then, I take it. It's not in the amendments.

**CHAIRMAN (Mr. Ningark):**

Madam Minister.

**HON. REBECCA MIKE:**

Mr. Chairman, I'll let legal counsel respond to that.

**CHAIRMAN (Mr. Ningark):**

Legal counsel.

**MR. FLYNN:**

The existing fee structures are established under the Commissioner's Land Act. This bill doesn't directly provide for the transmission of that authority to the municipalities. Thank you.

**CHAIRMAN (Mr. Ningark):**

Thank you. Mr. Ng, are you still with your question here? I will recognize Mr. Zoe.

**MR. ZOE:**

I would like to ask the department why isn't that authority given if we're going to...

---Recording Difficulties

...or are you anticipating doing it through this agreement if it's on Commissioner's land? Right now, all the fees on Commissioner's land are set by the department. There is a set fee schedule. Right? Through this agreement with the municipality, would that authority be given to the municipality to structure their own fee schedule, or would they have to abide by the territorial fee schedule?

**CHAIRMAN (Mr. Ningark):**

Thank you. Madam Minister, either you or your staff could respond to the question.

**HON. REBECCA MIKE:**

Thank you, Mr. Chairman. The regulations would have to be changed before we could do that.

**CHAIRMAN (Mr. Ningark):**

Thank you. Clause 3. Mr. Zoe.

**MR. ZOE:**

Mr. Chairman, is the Minister saying that the current regulation that governs fee structure would have to be changed to reflect these amendments once these are passed?

**CHAIRMAN (Mr. Ningark):**

Thank you. Madam Minister.

**HON. REBECCA MIKE:**

Thank you, Mr. Chairman. Like I said, the regulations would have to be changed, but the legislation we have does not allow it now.

**CHAIRMAN (Mr. Ningark):**

Thank you. General comments. Clause 3. Agreed?

**SOME HON. MEMBERS:**

Agreed.

--Agreed

**CHAIRMAN (Mr. Ningark):**

Thank you. Clause 4. Mr. Arvaluk.

**MR. ARVALUK:**

I need clarification, again. Is clause 4 commencement? Am I right on that one? Mr. Chairman, this act is deemed to come into force on the day this was in first reading? What will

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happen after this first reading. You'll still have to still deal with it in second reading. What will happen if there is an amendment made through a formal motion after the first reading?

**CHAIRMAN (Mr. Ningark):**

Madam Minister.

**HON. REBECCA MIKE:**

Mr. Chairman, in my opening remarks, I stated the retroactivity of this act coming into force is the fact that our legislation has been challenged through the courts. It is merely to prevent any further losses that would jeopardize our municipalities if we don't do this.

--Recording Difficulties

**CHAIRMAN (Mr. Ningark):**

Thank you. I think Mr. Arvaluk was asking on clause 4, the act would come into force on the first reading of the bill. Mr. Arvaluk.

**MR. ARVALUK:**

Thank you, Mr. Chairman. I understand the Minister's concern here. Let's not have any more lawsuits here. This act will just do it perfectly. My question is what about if there is a formal motion amending the...after first reading, is my question.

**CHAIRMAN (Mr. Ningark):**

Thank you. Madam Minister.

**HON. REBECCA MIKE:**

Thank you, Mr. Chairman. I guess it would all depend on what a motion to amend this clause says.

**CHAIRMAN (Mr. Ningark):**

Thank you. Mr. Arvaluk.

**MR. ARVALUK:**

Thank you, Mr. Chairman. For example, we had a concern from Mr. Zoe, Mr. Gargan and Mr. Ng on the question of authority on the pending claims outside of the municipalities. Right now I don't think we're prepared to make those provisions or clauses to allow the concerns expressed by some Members in this bill. However, after first reading, we might get together -- 15 Members -- and make an amendment that suits some of the municipalities have -- band councils, hamlet councils and the Government of the NWT in one place that may have conflicting interest because of the pending claims to deal with that. To comply with those wishes, then there may be some requirement for amendments which will only be done after the first reading.

I guess that's the scenario or example that the Minister is requesting, depending on what kind of amendment there would be. Is she saying that no matter what kind of amendments we make concerning the citizens of the NWT regarding quarry programs outside the boundaries, that they cannot be changed if they were not coming into effect, because these will be deemed to be into force after the first reading?

**CHAIRMAN (Mr. Ningark):**

Madam Minister. Perhaps I will ask the Law Clerk to explain the commencement of this bill.

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

Thank you, Mr. Chairman. Until such time as this bill is passed through this House and received assent by the Commissioner, this bill will not be in law. So any amendments that this House chooses to make, they're free to make to the bill. For example, you could change clause 4 to have it come into effect two years from now and obviously that would change this bill. So you can make amendments to this bill until such time as it's passed through the House. When it has passed through the House, however, and receives assent of the Commissioner, the bill will then be retroactive to the day it was given first reading which was April 6, 1994, unless clause 4 is amended. If Members choose to amend clause 4, then that will affect the date that this bill comes into effect.

So there are two different things here, the date that the bill becomes law and the date that it comes into

effect. The date that the bill becomes law is the date that it's given assent, but it will then be retroactive and will have effect back to April 6, 1994.

**CHAIRMAN (Mr. Ningark):**

Thank you. Agreed?

**SOME HON. MEMBERS:**

Agreed.

---Agreed

**CHAIRMAN (Mr. Ningark):**

Clause 4.

**SOME HON. MEMBERS:**

Agreed.

---Agreed

**CHAIRMAN (Mr. Ningark):**

The bill as a whole.

**SOME HON. MEMBERS:**

Agreed.

---Agreed

**CHAIRMAN (Mr. Ningark):**

Thank you. Does the committee agree that Bill 9, An Act to Amend the Charter Communities Act, is ready for the third reading?

**SOME HON. MEMBERS:**

Agreed.

---Agreed

**CHAIRMAN (Mr. Ningark):**

Bill as amended. Not amended. Sorry about that. Agreed?

**SOME HON. MEMBERS:**

Agreed.

---Agreed

**CHAIRMAN (Mr. Ningark):**

Do we agree that we move on to review Bill 10?

**SOME HON. MEMBERS:**

Agreed.

---Agreed

Bill 10: An Act To Amend The Cities, Towns And Villages Act

**CHAIRMAN (Mr. Ningark):**

We will review Bill 10. General comments on Bill 10. Clause by clause. Bill 10 is An Act to Amend the Cities, Towns and Villages Act. Clause 1. Mr. Antoine.

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General Comments

**MR. ANTOINE:**

Thank you, Mr. Chairman. This is just a general comment on Bill 10, An Act to Amend the Cities, Towns and Villages Act. I have one village in my constituency; Fort Simpson. This particular act does not apply to Fort Simpson. There is a quarry there, but it's outside the municipal boundary, therefore this act does not really affect them. But I'd just like to know if...and the municipal government does not run this quarry that's outside the municipal boundary. It's leased by the federal government to private companies. I have no problem with the way this act is amended. I'd just like to ask, does this act apply to quarries that are outside the municipal boundaries? Thank you.

**CHAIRMAN (Mr. Ningark):**

Thank you. Madam Minister.

**HON. REBECCA MIKE:**

Thank you, Mr. Chairman. My legal counsel advises me yes.

**CHAIRMAN (Mr. Ningark):**

Thank you. Mr. Antoine.

**MR. ANTOINE:**

This is for An Act to Amend the Cities, Towns and Villages Act. I thought the village administers the land that's within the municipal boundary and not outside

of it. If a quarry is outside the municipal boundary, how could the village be responsible for that quarry? Thank you.

**CHAIRMAN (Mr. Ningark):**

Thank you. Madam Minister.

**HON. REBECCA MIKE:**

Thank you, Mr. Chairman. I'll let Mr. Flynn respond to that.

**CHAIRMAN (Mr. Ningark):**

Mr. Flynn.

**MR. FLYNN:**

Thank you, Mr. Chairman. Section 2 would amend subsection 55(2) by allowing a municipal corporation to make by-laws with respect to quarries that are outside municipal boundaries. This is to be read in conjunction with the same power with respect to other municipal services, such as sewage and drainage systems, public incinerators and so on. The anticipation here is that if there is a Commissioner's land block around a community that has granular material in it and the community has decided to be the appropriate party to lease that quarry land and to operate that quarry, then this would give them the power to administer the quarry. Thank you.

**CHAIRMAN (Mr. Ningark):**

Thank you. Member for Nahendeh.

**MR. ANTOINE:**

Thank you, Mr. Chairman. I wasn't too clear about the first part of the counsel's response. I would like him to clarify that for me. Is he saying that a municipality is the only body that could lease land from the Crown outside the municipal boundaries to establish quarries? Thank you.

**CHAIRMAN (Mr. Ningark):**

Thank you. Mr. Ashton.

**MR. ASHTON:**

Thank you, Mr. Chairman. Maybe I can help out on this. The section that was referred to, section 2 of this bill, would clarify the legal capacity of a municipality to enter into a lease for a quarry outside its municipal boundary, just as they presently have the

authority to run a garbage dump or a sewage lagoon outside their municipal boundary, if necessary.

However, the decision as to whether the municipality would end up leasing the quarry site or any other body would depend on who is administering the land. In the case of Fort Simpson, for example, the Commissioner is administering the land and any land application for a quarry outside of the municipality would be reviewed by all the parties who are affected and, presumably, the community would advise who should be leasing it.

At the present time, there is some uncertainty whether one option would be for the municipality to be able to do that. In the context of common law, any person or party should be able to enter into a lease, such as another corporation and so on. But a municipality draws its authority from the act, so we want to make it explicit that the municipality also has this option, if it chose to do that. They are not the only party that could possibly lease a quarry, by any means.

**CHAIRMAN (Mr. Ningark):**

Thank you. Mr. Antoine.

**MR. ANTOINE:**

All right, thank you. So, in Fort Simpson's case, we have a body that is not the municipal government that is leasing land for a quarry. With this amendment to the bill, would that allow this arrangement to continue or does the village have to take the main role and, in turn, lease it to the company who is leasing the quarry at the present time? Thank you.

**CHAIRMAN (Mr. Ningark):**

Thank you. Madam Minister.

**HON. REBECCA MIKE:**

Mr. Chairman, this legislation doesn't change the present situation.

**CHAIRMAN (Mr. Ningark):**

Thank you. General comments.

**AN HON. MEMBER:**

Clause by clause.

Clause By Clause

**CHAIRMAN (Mr. Ningark):**

We shall go clause by clause. Clause 1.

**SOME HON. MEMBERS:**

Agreed.

---Agreed

**CHAIRMAN (Mr. Ningark):**

Thank you. Clause 2.

**SOME HON. MEMBERS:**

Agreed.

---Agreed

**CHAIRMAN (Mr. Ningark):**

Thank you. Clause 3.

**SOME HON. MEMBERS:**

Agreed.

---Agreed

**CHAIRMAN (Mr. Ningark):**

Thank you. Clause 4.

**SOME HON. MEMBERS:**

Agreed.

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---Agreed

**CHAIRMAN (Mr. Ningark):**

Bill as a whole.

**SOME HON. MEMBERS:**

Agreed.

---Agreed

**CHAIRMAN (Mr. Ningark):**

Is the committee agreed that Bill 10, An Act to Amend the Cities, Towns and Villages Act, is ready for third reading?

**SOME HON. MEMBERS:**

Agreed.

---Agreed

Bill 11: An Act To Amend The Hamlets Act

**CHAIRMAN (Mr. Ningark):**

Thank you. Bill 10 is ready for third reading. Bill 11, An Act to Amend the Hamlets Act. General comments. Mr. Arvaluk.

General Comments

**MR. ARVALUK:**

Thank you, Mr. Chairman. I understand that this by-law might apply outside the boundaries of the municipalities with respect to sewage, public incinerators, public garbage, water, fire protection, et cetera. My concern with Coral Harbour is that it is a dry community. Our airport is 11 miles away, outside the municipality at the moment, although the hamlet has made a proposal to MACA to extend the boundary to the airport. We have not received a response yet for that proposal.

However, it is not extended and our legal regulations require that prohibition be within the boundary of the hamlet. If and when the municipal boundaries are extended to the airport, there is still a question of whether this particular airport, within the municipality, belongs to the Ministry of Transport, which is the Government of the Northwest Territories. There is a question of whether it is a municipal operation on municipal property. Although the Department of Public Works is within the hamlet and on municipal land and has to conform to municipal by-laws, the RCMP always have a question about whether we can impose search and seizure of illegal liquor from aircraft. The question is, does it belong to the municipal government or hamlets?

Why is this provision allowing the municipalities to deal with sewage and drainage systems, public incineration, water distributions systems, et cetera, and airports, or facilities for aircraft excludes the prohibition regulation in some communities?

**CHAIRMAN (Mr. Ningark):**

Thank you, Mr. Arvaluk. I think the issue of liquor seizure at airports is beyond the scope of the bill. Madam Minister.

**HON. REBECCA MIKE:**

Thank you, Mr. Chairman. I'll let the legal counsel respond to that because it is a legal question.

**CHAIRMAN (Mr. Ningark):**

Mr. Flynn.

**MR. FLYNN:**

Thank you, Mr. Chairman. The liquor prohibition and restriction regulations are made under the Liquor Act and not under the municipal acts, so the scope and application of those regulations is dictated by that act. It is not a scheme or regime that is established under municipal legislation. Thank you.

**CHAIRMAN (Mr. Ningark):**

Thank you. General comments on Bill 11, An Act to Amend the Hamlets Act. Mr. Arvaluk.

**MR. ARVALUK:**

Thank you, Mr. Chairman. Then we are more or less dealing now with what goes first. It is just like applying for UIC or a visa to get a passport. It is a question of what goes first. Nobody wants to go first. If you cannot get a visa before you get a passport and you cannot get a passport unless you have a visa, so you have to fight with two departments at the same time.

**CHAIRMAN (Mr. Ningark):**

Thank you. I will recognize Mr. Flynn, legislative counsel.

**MR. FLYNN:**

Thank you, Mr. Chairman. The regulating of airports is a federal concern. The question that you are raising, sir, is perhaps one not easily addressed in terms of municipal legislation which, of course, doesn't really deal with...

---Recording Difficulties

Thank you.

**CHAIRMAN (Mr. Ningark):**

Thank you. Bill 11, An Act to Amend the Hamlets Act. Mr. Arvaluk, to the act.

**MR. ARVALUK:**

Mr. Chairman, I recognize that we've been dealing with that for a long time now. The liquor regulations are not easy to deal with under the municipal acts. Next week we are going to deal with Transport and they will say exactly the same thing. So, when we are dealing with the Liquor Act sometime in this order paper, we'll be dealing with that too and they will say the same thing.

Is there anything the three departments can do so it will become easier to incorporate. At least a cooperative amendment so that it applies or complements the acts, rather than preventing the combining of the acts which leads to the lack of authority of one over another act, department or regulation?

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**CHAIRMAN (Mr. Ningark):**

Thank you. I don't know if you are speaking to the review of Bill 11, An Act to Amend the Hamlets Act. We are not speaking to the Justice department, so I'm wondering...If you're persistent, Mr. Arvaluk, on the Liquor Act I'm going to have to rule you out of order because we are dealing with the Hamlets Act. This is a separate issue.

A dry community becomes a dry community through a plebiscite, not through a municipal act. Madam Minister.

**HON. REBECCA MIKE:**

I was going to say to Mr. Arvaluk, that he mentioned that the municipality of Coral Harbour had a request to extend their boundary. I just want to let him know that I do support the process for extending the municipal boundary for that community. Perhaps if the council can include the airport inside the boundary, then the community would have...Perhaps a request through the Liquor Act would be able to handle what Mr. Arvaluk is talking about.

**CHAIRMAN (Mr. Ningark):**

Perhaps we should bring the Minister of Justice to the witness table. Just kidding. Mr. Arvaluk.

**MR. ARVALUK:**

A final question, Mr. Chairman. Then there is a provision in this act allowing the Minister to make regulations giving permission or provision for the by-

law to include -- or at least a liquor regulation to include -- search and seizure of. Can this be done?

I guess my concern here is section 55(2). You have an airport, airplanes and facilities for them. I'm interested if the prohibition regulation can include what Coral Harbour has been asking about. It's not only Coral Harbour, there are other communities, too. Pangnirtung has exactly the same problem. They cannot actually go in there because of a question of legality.

**CHAIRMAN (Mr. Ningark):**

Thank you. Point of order, Mr. Zoe.

Point Of Order

**MR. ZOE:**

Point of order, Mr. Chairman. Although the issue that my colleague is raising is of great importance to everyone, for the section that you're referring to, under section 55(2), under section 2 of this bill, the only thing that they're doing in adding in "i" which allows the municipality to run a public quarry as defined in subsection 132.5(1). So what they're doing is that section is being amended.

I understand what my colleague is trying to say. Within section 55(2), a by-law has to be developed in order to deal with these types of things, such as airports and sewage outside of municipal boundaries. Now, they're including a public quarry. If I'm hearing my colleague right, he is saying why don't we make a "j" for the liquor situation in municipalities? But, I would like to remind my colleague that in order to do that, the Liquor Act first has to be amended to reflect that. Then the sequential amendments would have to be made to section 55. So in that respect, Mr. Chairman, my colleague is out of order.

---Laughter

I would like him to deal with the item under consideration.

**CHAIRMAN (Mr. Ningark):**

Thank you. Thank you. Before I enquire what Mr. Arvaluk was asking, we'll deal with that tomorrow morning at 10:00. That would be the time to ask. Bill 11, An Act to Amend the Hamlets Act. Clause by clause.

Clause By Clause

Clause 1.

**SOME HON. MEMBERS:**

Agreed.

---Agreed

**CHAIRMAN (Mr. Ningark):**

Thank you. Clause 2.

**SOME HON. MEMBERS:**

Agreed.

---Agreed

**CHAIRMAN (Mr. Ningark):**

Thank you. Clause 3.

**SOME HON. MEMBERS:**

Agreed.

---Agreed

**CHAIRMAN (Mr. Ningark):**

Thank you. Mr. Gargan.

**MR. GARGAN:**

When you refer to...Could you just give me some geographical definitions of what is meant by Commissioner's land? If we're talking about Commissioner's land, we're talking about lands outside of municipalities. Am I correct? And that means all lands, with the exception of fee-simple lands.

**CHAIRMAN (Mr. Ningark):**

Thank you. I believe we have a municipal Commissioner of crown land. Madam Minister.

**HON. REBECCA MIKE:**

Mr. Chairman, I'll let Mr. Ashton respond to that.

**CHAIRMAN (Mr. Ningark):**

Mr. Ashton.

**MR. ASHTON:**



Thank you, Mr. Chairman. The term "Commissioner's land" is meant to apply to those lands where the federal government has transferred the administration and control from the Department of Indian and Northern Affairs to the Commissioner. Not transferred the ownership, but the administration.

Those lands are primarily found inside the municipalities. There is some Commissioner's land outside of some municipalities where there is a bit of a buffer zone. But generally speaking, once you get outside the municipal boundary, there is very little Commissioner's land.

**CHAIRMAN (Mr. Ningark):**

Thank you. Bill 4. Mr. Gargan.

**MR. GARGAN:**

Do you have any information on where those buffer zones...very little areas but...Which areas are outside the municipalities? We don't have them. I'd appreciate having them.

**CHAIRMAN (Mr. Ningark):**

Clause 4, Bill 11. Madam Minister. Clause 3. Agreed?

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**SOME HON. MEMBERS:**

Agreed.

---Agreed

**CHAIRMAN (Mr. Ningark):**

Thank you. Now finally, clause 4. Agreed?

**SOME HON. MEMBERS:**

Agreed.

---Agreed

**CHAIRMAN (Mr. Ningark):**

Thank you very much. Does the committee agree that Bill 11 is ready for third reading? The bill as a whole. The bill as a whole is ready for third reading? Agreed?

**SOME HON. MEMBERS:**

Agreed.

---Agreed

Bill 12: An Act To Amend The Commissioner's Land Act

**CHAIRMAN (Mr. Ningark):**

Thank you. It's been a long day, right? Bill 12, An Act to Amend the Commissioner's Land Act. General comments. This is what we've been speaking to. Mr. Gargan.

Standing Committee On Legislation Comments

**MR. GARGAN:**

Mr. Chairman, I have some opening remarks on behalf of the Standing Committee on Legislation on the Commissioner's Lands Act and it's based on case law. The department determined that the current authority for the Commissioner to delegate responsibility for the administration of Commissioner's land to a municipality was not as clear as it would be in our present legislation.

The amendment to the Commissioner's Land Act validates quarry fees and charges that have been levied by the municipalities under the act. The amendments indicate that if a municipality or land agent has operated a quarry on Commissioner's land before the provision came into force and had levied quarry fees or charges, those fees were authorized under the act. The amendment is considered a protection amendment. It is being proposed to protect current practices of municipalities with regard to administration of quarries which the government has delegated to them in good faith. There's that word again. Some amendments are deemed to have come into force on June 27, 1996 to further support that the Commissioner has always had the authority to delegate the authority to administer Commissioner's land. The remaining sections come into force after first reading.

The Standing Committee on Legislation held its public hearing on September 9, 1994. Bob McKenna from the city of Yellowknife made a presentation on this bill. The only concern expressed dealt with the fees and royalties in the regulation. Mr. McKenna stated he would like to see the fees and royalties subject to frequent reviews.

On September 9, 1994, the committee, with the concurrence of the Minister, made three minor

technical amendments to the bill. The committee passed a motion that Bill 12 as amended

was ready for consideration in committee of the whole. Thank you, Mr. Chairman.

**CHAIRMAN (Mr. Ningark):**

Thank you. Does the committee agree subsequent to Mr. Gargan reading that, that Bill 12 be reprinted? Agreed?

**SOME HON. MEMBERS:**

Agreed.

---Agreed

**CHAIRMAN (Mr. Ningark):**

General comments? Clause by clause?

**SOME HON. MEMBERS:**

Agreed.

---Agreed

Clause By Clause

**CHAIRMAN (Mr. Ningark):**

Bill 12, An Act to Amend the Commissioner's Land Act. Clause 1. Agreed?

**SOME HON. MEMBERS:**

Agreed.

---Agreed

**CHAIRMAN (Mr. Ningark):**

Clause 2.

**SOME HON. MEMBERS:**

Agreed.

---Agreed

**CHAIRMAN (Mr. Ningark):**

Agreed. Clause 3.

**SOME HON. MEMBERS:**

Agreed.

---Agreed

**CHAIRMAN (Mr. Ningark):**

Clause 3.1.

**SOME HON. MEMBERS:**

Agreed.

---Agreed

**CHAIRMAN (Mr. Ningark):**

Clause 4.

**SOME HON. MEMBERS:**

Agreed.

---Agreed

**CHAIRMAN (Mr. Ningark):**

Clause 5. Mr. Zoe.

**MR. ZOE:**

Under clause 4 on page three, under subsection 4, it reads subsection 3 does not apply to a quarry fee or charge that is levied by the municipality, corporation or land agent after July 1, 1997. Could I ask the Minister why a specific date is mentioned here?

**CHAIRMAN (Mr. Ningark):**

Madam Minister.

**HON. REBECCA MIKE:**

Mr. Chairman, that is a sunset clause.

**CHAIRMAN (Mr. Ningark):**

Clause 4. Mr. Antoine.

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**MR. ANTOINE:**

Thank you, Mr. Chairman. On Bill 12, An Act to Amend the Commissioner's Land Act, with regard to quarry fees and so forth, I was told earlier, when we were reviewing Bill 10 that there are quarries outside the municipal boundaries and this is established by by-laws of the municipalities so that they could get granular material. Does this bill mean that only the municipalities will be able to issue quarry permits?

There are other arrangements out there now where different companies have made arrangements to lease quarries. Bands have quarries as well. Is this bill going to authorize only the municipalities to be able to issue quarry permits? Thank you.

**CHAIRMAN (Mr. Ningark):**

Thank you. Madam Minister.

**HON. REBECCA MIKE:**

Thank you, Mr. Chairman. No, it's not only the municipalities.

**CHAIRMAN (Mr. Ningark):**

Thank you. Clause 4. Agreed? Mr. Antoine.

**MR. ANTOINE:**

Yes, if it's not only the municipality, then who else is permitted to issue quarry permits? Thank you.

**CHAIRMAN (Mr. Ningark):**

Thank you. Madam Minister.

**HON. REBECCA MIKE:**

It's on 3.1(a). Any person

---Recording Difficulties

...an agreement delegating responsibility for the administration of Commissioner's land to a municipal corporation or any other person.

**CHAIRMAN (Mr. Ningark):**

Thank you. Clause 4.

**SOME HON. MEMBERS:**

Agreed.

---Agreed

**CHAIRMAN (Mr. Ningark):**

Thank you. I can't hear you. Clause 5.

**SOME HON. MEMBERS:**

Agreed.

---Agreed

**CHAIRMAN (Mr. Ningark):**

Thank you. Clause 6.

**SOME HON. MEMBERS:**

Agreed.

---Agreed

**CHAIRMAN (Mr. Ningark):**

Clause 7.

**SOME HON. MEMBERS:**

Agreed.

---Agreed

**CHAIRMAN (Mr. Ningark):**

Mr. Gargan.

**MR. GARGAN:**

Mr. Chairman, I'm just wondering about the legal implications of this bill without a legal Commissioner. We don't have a Commissioner, but if the act doesn't say anything about the Commissioner or the Deputy Commissioner, do we have a legal issue here?

**CHAIRMAN (Mr. Ningark):**

Thank you. Madam Minister.

**HON. REBECCA MIKE:**

Thank you, Mr. Chairman. I am advised that the Deputy Commissioner can authorize. She is Acting Commissioner right now.

**CHAIRMAN (Mr. Ningark):**

Thank you. Mr. Gargan.

**MR. GARGAN:**

Mr. Chairman, that is not what the bill says, though. It says acting deputy minister, or whatever the case may be. We only have Commissioners and a Commissioner's Land Act. It is up to the Executive, or the acting deputy minister, or something. I would maybe ask Ms. MacPherson, do we have a problem here?

**CHAIRMAN (Mr. Ningark):**

Ms. MacPherson.

**MS. MACPHERSON:**

Thank you, Mr. Chairman. I'm just checking, but it is my understanding that an acting position or a deputy position would carry all the power and authority of a regular Commissioner. The NWT Act provides that if the Commissioner is absent, ill or unable to act -- this clearly is the case right now -- the Deputy Commissioner has all the powers and functions of the Commissioner. I guess the short answer is no, there is no problem.

**CHAIRMAN (Mr. Ningark):**

Thank you. Clause 7. Mr. Gargan.

**MR. GARGAN:**

Yes, that is if the Commissioner is unavailable. We don't have a Commissioner who is unavailable. We don't have a Commissioner at all. I guess that is my point.

**CHAIRMAN (Mr. Ningark):**

Thank you. We have a Deputy Commissioner. Ms. MacPherson.

**MS. MACPHERSON:**

My understanding is that the Commissioner would be unable to act because the term of their appointment would have expired, so the deputy Commissioner's term of appointment, which has not expired, would then kick in, as it were. And she would have all the powers and authority of the full Commissioner.

**CHAIRMAN (Mr. Ningark):**

Thank you. The chair will recognize the clock. It is five minutes after 6:00 pm. I would like to thank Madam Minister and the witnesses for appearing before the committee. Thank you. I will rise and report progress.

**MADAM SPEAKER:**

I call the House back to order. Item 20, report of committee of the whole. The honourable Member for Natilikmiot, Mr. Ningark.

ITEM 20: REPORT OF COMMITTEE OF THE WHOLE

**CHAIRMAN (Mr. Ningark):**

Thank you, Madam Speaker. Madam Speaker, your committee has been considering bills 9, 10, 11 and 12 and would like to report that bills 9, 10 and 11 are ready for third reading and, Madam Speaker, I move that the report of the committee of the whole be concurred with.

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**MADAM SPEAKER:**

Thank you. The motion is in order. Secunder for the motion is the honourable Member for Inuvik, Mr. Koe. To the motion.

**AN HON. MEMBER:**

Question.

**MADAM SPEAKER:**

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

---Carried

Item 21, third reading of bills. Item 22, Mr. Clerk, orders of the day.

ITEM 22: ORDERS OF THE DAY

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

Madam Speaker, there is a meeting of the Ordinary Members' Caucus tomorrow morning at 9:00 am.

Orders of the day for Friday, October 7, 1994.

1. Prayer
2. Budget Address
3. Ministers' Statements
4. Members' Statements
5. Returns to Oral Questions
6. Recognition of Visitors in the Gallery
7. Oral Questions
8. Written Questions
9. Returns to Written Questions
10. Replies to Opening Address

- |     |  |   |
|-----|--|---|
| 11. | Replies to Budget Address  | - Bill 3, Guardianship and Trusteeship Act                                    |
| 12. | Petitions  | - Bill 6, Access to Information and Protection of Privacy Act                 |
| 13. | Reports of Standing and Special Committees   | - Bill 7, An Act to Amend the Arctic College Act                              |
| 14. | Reports of Committees on the Review of Bills   | - Bill 8, An Act to Amend the Public Utilities Act                            |
| 15. | Tabling of Documents   | - Bill 12, An Act to Amend the Commissioner's Land Act                        |
| 16. | Notices of Motion  | 22. Report of Committee of the Whole  |
| 17. | Notices of Motions for First Reading of Bills  | 23. Third Reading of Bills  |
| 18. | Motions  | - Motion 9-12(6), Tabled Document 23-12(6) to Committee of the Whole          |
|     | - Motion 10-12(6), Appearance of the Hon. Ron Irwin, Minister of DIAND   | - Bill 4, An Act to Amend the Liquor Act                                      |
| 19. | First Reading of Bills   | - Bill 9, An Act to Amend the Charter Communities Act                         |
|     | - Bill 1, Appropriation Act, No. 1, 1995-96  | - Bill 10, An Act to Amend the Cities, Towns and Villages Act                 |
| 20. | Second Reading of Bills  | - Bill 11, An Act to Amend the Hamlets Act                                    |
| 21. | Consideration in Committee of the Whole of Bills and Other Matters   | 24. Orders of the Day   |
|     | - Tabled Document 14-12(6), "Open for Business," Privatizing the Northwest Territories Power Corporation   | <b>MADAM SPEAKER:</b>   |
|     | - Minister's Statement 11-12(6), Return to Session   | Thank you. This House stands adjourned until Friday, October 7th at 10:00 am. |
|     | - Committee Report 4-12(6), Report on the Review of Bill 6 - Access to Information and Protection of Privacy Act   | ---ADJOURNMENT  |
|     | - Committee Report 5-12(6), Report on the Review of the Financial Statements of the Government of the Northwest Territories and the Report of the Auditor General for Canada for the fiscal year ending March 31, 1993 | <b>FRIDAY, OCTOBER 7, 1994</b>  |
|     | - Committee Report 6-12(6), Report on Review of Bill 3 - Guardianship and Trusteeship Act  |   |
|     | - Bill 2, Aboriginal Custom Adoption Recognition Act   |   |