



**NORTHWEST TERRITORIES
LEGISLATIVE ASSEMBLY**

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THURSDAY, OCTOBER 13, 1994

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Speaker: The Hon. Jeannie Marie-Jewell

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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, Mr. Pudluk, Hon. John Todd, Mr. Whitford, Mr. Zoe

ITEM 1: PRAYER

---Prayer

MADAM SPEAKER (Hon. Jeannie Marie-Jewell):

Thank you. Good afternoon. Prior to going to Ministers' statements, I would like to welcome Mayor Percy Kabloona from Whale Cove, who is in the gallery. I would also like to welcome Mr. James Eetoolook, vice-president of NTI, who is in the gallery. Welcome to our House.

---Applause

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

ITEM 2: MINISTERS' STATEMENTS

Minister's Statement 22-12(6): Progress With The Liquor Law Review

HON. RICHARD NERYSOO:

Thank you, Madam Speaker. Today I would like to provide the House with a progress report on a significant initiative that is under way in the Department of Safety and Public Services. Honourable Members will be aware that over the past several months, this government has undertaken a comprehensive review of the liquor control legislation and practices in the Northwest Territories. Our goal has been to examine all aspects of the way liquor is regulated, eventually leading to the development of a new Liquor Act.

This review is timely. Specific sections of our current legislation have been amended many times, but the fundamental model for our liquor control system has not been examined in a comprehensive fashion since 1969. Our approach to liquor regulation has not kept

pace with many changes that residents of the Northwest Territories have observed over the past 25 years.

Today, our northern communities are besieged with problems arising from the unlawful sale of alcohol, and we repeatedly hear concerns about liquor consumption by young people. Problems have emerged over and over with the enforcement of provisions aimed to establish standards for the licensing and operation of liquor establishments. Regional organizations and local governments are seeking a broader avenue for community-based leadership in addressing regulatory issues that affect people on a daily basis.

Unquestionably, Madam Speaker, it is now time to take a fresh look at the way the sale, distribution, possession and consumption of liquor are regulated in the Northwest Territories. For this purpose, the liquor law review was initiated nine months ago. Our objective has been to work toward the development of a new liquor control framework that is effective, balanced and fully representative of community priorities.

From the outset of the project, it was realized that the solutions to liquor control problems would be found not in departmental offices and boardrooms, but through an open, active discussion with communities.

In June 1994, I announced a major public consultation strategy aimed at identifying northerners' concerns and asking for their suggestions about how our liquor control system can be made better.

Several strategies were employed for advising Northwest Territories residents about the review and for seeking their comments. Correspondence and updates have been distributed throughout the project to licence holders, local governments, aboriginal organizations, social agencies, women's and youth advocacy groups and professional associations. Many of these have responded with written briefs or resolutions that recommended improvements to our liquor legislation.

As well, an information flyer outlining key issues and encouraging public participation was sent to Northwest Territories households in June. An enclosed questionnaire was provided in all official languages so that readers could return their comments or suggestions. To date, over 400 responses have been received coming from

communities in all regions of the Northwest Territories.

Project personnel have also travelled to several communities to hear residents' views first-hand, but the planning for community consultations has not been driven from Yellowknife. In each case, local authorities, chambers of commerce or social agencies were informed about the initiative and encouraged to tell our departmental staff how they could fit into the consultation format that best suited community needs.

Accordingly, discussion strategies have varied from one community to another. In Hay River, Pangnirtung and Fort Liard, for instance, the project coordinator met with interagency committees and spoke individually with community leaders. In Broughton Island and Igloolik, on the other hand, formal meetings with the hamlet councillors and members of the alcohol education committees were augmented with phone-in shows on the local radio. In Tuktoyaktuk, Yellowknife and Iqaluit, Fort Smith and other locations, public meetings were arranged by the community leadership or local agencies. In other communities like Fort McPherson, Chesterfield Inlet and Cambridge Bay, emphasis was placed on

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meeting individually with elders and other residents in their homes or offices.

Project staff were privileged to attend discussions on the liquor law review at last summer's Denendeh national assembly in Lutsel K'e, and at the Deh Cho youth spiritual gathering in Wrigley. Meetings were also held with boards of directors for the Northwest Territories Association of Municipalities and for the Northwest Territories Chamber of Commerce. Input has been received from the Northwest Territories Status of Women Council, the Dene Cultural Institute and the Native Women's Association. Discussions have been held with representatives of other aboriginal organizations all across the Northwest Territories.

The response has been encouraging. Participants have been taking advantage of the opportunity to share their views on our current approach to liquor control, and to suggest better ways for carrying out government regulatory responsibilities.

Madam Speaker, the suggestions received during our current consultations will be summarized in a legislative action paper that I intend to table in

November during the current sitting of this House. This document will outline principles that will be used to form the basis of a new Liquor Act.

Honourable Members will have an opportunity to review the legislative action paper in detail, perhaps by referring it to the standing committee for consideration, and to provide the government with recommendations on which principles should be incorporated in legislation. With the feedback received following this Assembly's review of the legislative action paper, Safety and Public Services will then work closely with the Department of Justice to draft new legislation.

I anticipate that a bill containing the new Liquor Act will be available for introduction to the 13th Legislative Assembly as soon as possible, following the fall 1995 territorial election. Madam Speaker, this entire process has been designed to maximize public participation in the development of our new liquor laws. Members of the public have an opportunity to share their ideas now during the preparation of the legislative action paper. They will be able to comment when the Legislative Assembly and its committees are reviewing principles outlined in the paper. And, they will have an opportunity to say what they think when the bill establishing a new Liquor Act is brought forward after the election.

It should be emphasized, Madam Speaker, that consultations initiated over the course of the past summer will continue during the later stages of this process. The legislative action paper, when it is tabled next month, will not dictate solutions but rather summarize the innovative suggestions that northerners have shared with the liquor law review. Madam Speaker, these suggestions have ranged from raising the drinking age to developing new systems and standards for issuing liquor licenses.

People have called for tougher penalties to halt the bootlegging problems that plague our communities. Frequently, too, we have heard that the new liquor legislation should expand local options to empower communities to establish their own systems of liquor control. These ideas, and many others, are now being carefully studied and prepared for inclusion in the legislative action paper. I am looking forward, Madam Speaker, to the opportunity for further discussion and input from all honourable Members when the document is tabled later in this session. Thank you, Madam Speaker.

---Applause

MADAM SPEAKER:

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

ITEM 3: MEMBERS' STATEMENTS

Member's Statement On Congratulating Arctic Rangers

MR. NINGARK:

Thank you, Madam Speaker. Madam Speaker, not quite two months ago, the Northwest Territories had the honour of hosting a visit by the Queen and the Duke of Edinburgh. I, myself, was very proud to have been able to experience such an event. I am also very proud, Madam Speaker, of the northerners who also played a role in the northern visit. I am speaking of the 87 members of the Arctic Rangers from 16 communities who participated during the Queen's visit.

As Members are aware, the Arctic Rangers have a rich tradition of service in the north and I am pleased to see that this tradition, the integrity and the dedication of these individuals have been recognized.

--Applause

Madam Speaker, I wish I had time to name them all, but I will mention the communities that were represented. They included Aklavik, Baker Lake, Cambridge Bay, Coppermine, Fort Smith, Fort Simpson, Fort McPherson, Gjoa Haven, Holman Island, Inuvik, Lac La Martre, Paulatuk, Pelly Bay -- my home community -- Rae Edzo, Repulse Bay, and Taloyoak. The rangers are a positive influence in our communities and excellent role models for our citizens.

Madam Speaker, I am honoured to be able to stand today and recognize them and thank them for being such excellent ambassadors during such an important occasion. If I may, I would like the Members to join me in offering the Arctic Rangers our most sincere congratulations on their participation in the royal visit and on their enduring spirit, courage and commitment to ensuring safety and well-being of northerners. Thank you.

--Applause

MADAM SPEAKER:

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

Member's Statement On "Investing In Our Future"

MR. ANTOINE:

Mahsi, Madam Speaker. I rise today to speak about focusing on social issues, as was recommended in the recently-tabled Finance committee report, Investing in our Future. Government was asked to assess its priorities and refocus its efforts on social issues.

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This does not mean the government should abandon economic development. What it does mean is we need to build a foundation of healthy, well-educated people and we need to concentrate on this foundation. Madam Speaker, the government can invest money in economic opportunities in a community. But, if some people in the community cannot or will not take advantage of these opportunities, either because of social problems or lack of training or education, then money spent on economic development is not a good investment.

On the other hand, if we invest in our people, then we will be in a position to gain more benefits from economic opportunities that are developed. We must invest in our future by investing in our people. These are long-term investments and the expected returns are also long-term. Benefits should be forthcoming well into the future. In other words, the government should continue with economic development initiatives while, at the same time, ensuring that we are well-equipped to maximize the returns on investments.

Would focusing on social issues be too costly? Can the government afford to develop a social action plan, given the uncertainty of federal funding and increasing demands for government services? These are all legitimate questions to ask. However, I believe that a fundamental shift in emphasis is the way the government can afford to proceed. It is the way to move towards division. The only way we can build a strong foundation for the creation and survival of two new territories.

Madam Speaker, I know we may not get more money from the federal government. Therefore, we will be required to make very wise investments with the

scarce resources available. The wisest investments are those focused on our citizens. Mahsi, Madam Speaker.

---Applause

MADAM SPEAKER:

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

Member's Statement On Impact Of New Power Rate Structures On Inuvik

MR. KOE:

Mahsi, Madam Speaker. Madam Speaker, I rise today to speak about an issue of great concern to the residents of Inuvik. The issue is that the Northwest Territories Power Corporation has applied to the Public Utilities Board for a general rate application proposing new power rate structures. Generally, the new proposed rate structure is based on the Power Corporation covering the actual cost of service and to create new rate zones.

Madam Speaker, this means that over the next two to four years, our rates in Inuvik will increase from the current rate of 26.98 cents per kilowatt hour up to 38.43 cents per kilowatt hour, an increase of 42 per cent. This is intolerable to residents of Inuvik, who are already paying a high cost for

power, as compared to the residents in the other larger centres of the Northwest Territories.

One of the principles in proposing the new rate structures is fairness and equity. If that is so, then I contest that this principle is not being applied in Inuvik's case.

Madam Speaker, I have always stated and emphasized in this House that Inuvik has many unique and different features as compared to most other communities. For example, in Inuvik, the majority of the power ratepayers are now private or commercial users. The Government of the Northwest Territories has nearly completed the privatization of their staff housing and the Northwest Territories Housing Corporation has had a big push on for home ownership. Madam Speaker, I seek unanimous consent to continue my statement.

MADAM SPEAKER:

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

MR. KOE:

Also in conjunction with the privatization initiative, recently the Government of the Northwest Territories employees are now having to pay their own power and water bills. Now all of a sudden, we want to hit them with another 42 per cent increase. The impact on the economy of Inuvik, as poor as it is now, will be further impacted. These new rates for commercial users, will have to be passed on to their customers; a double whammy for the residents of Inuvik.

Madam Speaker, I ask that Members of this House and especially the Minister of the Northwest Territories Power Corporation to seriously consider the impacts on Inuvik's residents and the residents of other communities in the proposed zone III if these rate and zone structures are approved. Mahsi.

---Applause

MADAM SPEAKER:

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

Member's Statement On Congratulating Canadian Coast Guard

MR. WHITFORD:

Thank you, Madam Speaker. Today I rise to recognize the great contribution the Canadian Coast Guard makes and has made to the residents of the Northwest Territories over the many years they have been involved in our coastal and inland waters.

---Applause

Coincidentally, Madam Speaker, today marks the 50th anniversary of the arrival of the RCMP schooner, St. Roch in Halifax harbour, marking the end of a two-year voyage for Captain Henry Larson and his crew through the Northwest Passage, both ways. Today as well, myself and some of my colleagues attended a presentation by the Canadian Coast Guard on their joint Canadian and USA scientific expedition to the Arctic waters this past summer.

Madam Speaker, in July of this year, I was at Ogden Point in Victoria to represent the Government of the Northwest Territories and the Honourable John Todd, the Minister for Transportation, in wishing well the two ice breakers participating in the Arctic Ocean Scientific Expedition, 1994. The Canadian Coast Guard ship, the Louis St. Laurent, with Captain Phil Grandy -- whom I will introduce later -- and the US Coast Guard ice breaker, the Polar Sea, with Captain Lawson Brigham were in harbour to take on supplies and equipment and hold an open house to the public after the dedication services.

The expedition, equipped with the latest scientific and electronic navigation technologies, were to sample air, ice, water and ocean bottom for the present and historical conditions of the Arctic environment. Water, ice and mud samples were taken back for further analysis and evaluation of the health of our Arctic waters. In addition to the scientific work, I am proud to say that the Louis St. Laurent was the first Canadian surface ship to reach our part of the North Pole. The St. Laurent was joined at the North Pole by the Polar Sea and later accompanied the Polar Sea on the way back to the Maritimes, over the pole from the Pacific to the Atlantic.

Madam Speaker, my time is up and I seek unanimous consent to continue.

MADAM SPEAKER:

Thank you. The honourable Member is seeking unanimous consent. Are there any nays? There are no nays. Continue, Mr. Whitford.

MR. WHITFORD:

The Louis St. Laurent was joined at the North Pole by the Polar Sea and later accompanied the Polar Sea, on the way back to the Maritimes, over the Pole from the Pacific to the Atlantic, thus making it the first ever Arctic Ocean transit. They arrived in Halifax on September 9, 1994.

The information gained from this expedition will benefit all northerners and Canadians alike and will help us combat future threats from dumping of nuclear waste and discarded refuse from industry, as well as to determine the whereabouts of marine and airborne pollutants. The information on ice and navigation will no doubt be useful for our own, by sea

only, resupply and possibly the tourism industry in the future.

Again to conclude, Madam Speaker, I was given hats by both captains Grandy and Brigham to commemorate the event. I won't wear them in the house, Madam Speaker, but I just wanted to show them to the other Members...Actually, I bought one. I know I cannot wear them in this House, but I just wanted to show the Members and extend -- I wouldn't dare -- a big thank you to the staff and the crews and the ships of the Canadian Coast Guard who worked so hard for us. Thank you.

---Applause

MADAM SPEAKER:

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

Member's Statement On North American Indigenous Games

MR. ZOE:

Thank you, Madam Speaker. The next North American Indigenous Games will be held in the summer of 1995. As in previous games, in recent years, aboriginal athletes, officials and cultural performers in the Northwest Territories are planning to take part. Previous Ministers of Municipal and Community Affairs have been gracious enough to offer assistance to these athletes in travelling to these games. I understand that while the department still does not have a specific policy in place to help athletes attend these games, they have been able to grant assistance on a case by case basis.

These northerners are looking forward to representing the Northwest Territories at this very important event. They want to take pride in representing their home before the assembled First Nation of the continent. At the last games, however, Team Northwest Territories looked pretty ragtag compared to our neighbours from the Yukon. While Team Yukon had impressive uniforms and equipment, the participants from the Northwest Territories did not and the difference was obvious.

Madam Speaker, we are extremely fortunate to have such a strong sporting tradition in the Northwest Territories. I'm looking forward to asking the Minister about the possibility of providing northern aboriginal athletes and cultural performers with travel assistance

and uniforms so that they can proudly represent the Northwest Territories. Mahsi.

---Applause

MADAM SPEAKER:

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

Member's Statement On Renovations For Student Residences At Nunatta Campus

MR. PATTERSON:

Thank you, Madam Speaker. I've tried to be upbeat and positive after slamming the Minister of Housing for his extravagant advertising expenditures last week. But I regret to say today, on a less than happy note, that my constituents and I are unfortunately becoming increasingly frustrated with the Department of Public Works and Services. We were told by the Minister of this department, its "Teflon" Minister, that DPW was reorganized, that project management would be decentralized to the regions, and that this would lead to greater efficiency and effectiveness and greater accountability to clients. It sounded wonderful. However, it doesn't seem to be working in my constituency.

Let me cite some examples. Arctic College requested installation of windows which open in the married students' residence in Iqaluit at a projected cost of \$21,000. I'm told that this major project had to be handled by a senior project officer from Yellowknife who flew to Iqaluit no less than three times, at God only knows what expense, to work on this project. I guess he must have spent almost as much money on travel as the project cost.

Renovations to the carpentry trade shop, renovations in washrooms, replacement of carpeting in the single students' residence, Nunatta Campus, a 30-year old building; these projects, budgeted at a total of \$93,000, had to be carried over from the last fiscal year, 1993-94. Nothing at all was done last year.

The carpeting of the single students' residence building...

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I'm afraid, Madam Speaker, I'm going to be running out of time...

---Laughter

---Laughter

I would humbly request consent to...

MADAM SPEAKER:

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

MR. PATTERSON:

Thank you. I guess the Honourable Minister likes to suffer, Madam Speaker, because it gets worse.

As far as the carpeting of the single students' residence building, everyone was looking forward to this work being done this summer. In fact, the entire building was shut down in August, precisely so that this kind of work could be done. However, I was shocked and dismayed when I toured the residence with the Minister of Education in September, to find that the carpet replacement had not been done, and that carpet is in pathetic condition. I then raised the issue with Public Works in Iqaluit. I now understand that the tender was issued later in September for an October 3rd closing. However, the students are back. The last sealift ship has come and gone. I don't know whether carpet is available locally. The funds for that project, Madam Speaker, were in the control of the region since May of 1994.

Renovations to the carpentry workshop; after getting a typically inflated \$23,000 estimate to box in a dust extraction unit, the college persuaded the project officer to accept a simpler approach. The project officer, it was agreed, would buy acoustic tiles and carpentry students would make the box. To date, no tiles have been bought. The students are back; no action.

Painting of the cafeteria and washroom renovations; money in hand since May of 1994. No tender. No action. If that job is done this year -- and they couldn't get around to it last year, but if it's done this year -- the cafeteria will stink of paint while students are trying to eat. And washroom renovations will be going on while students will be trying to use the washrooms.

What is wrong here, Madam Speaker? Why an initial one-year delay on what is apparently a simple project to upgrade a 30-year-old building for college students? Why no work done during the summer months when minimal disruption of staff and students would occur? Why does the senior project officer

have to come over on a small job? Is this to collect Aeroplan points?

These are only a few small stories. Often, prolonged in action from DPW means that some maintenance or repairs never get done. They simply disappear in DPW's bureaucratic maze. The process of submitting work orders is heavily structured, inflexible and unable to respond to individual projects. Clients' input often seems to take a back seat to Public Works technical and bureaucratic priorities.

When I was in the Cabinet I pushed for DPW to continue to provide services to Education and Health at the time of creation of boards of education, Arctic College and health boards. I thought it would lead to efficiencies and economies of scale. In my region it's not working. It is now becoming increasingly clear to me that if the college, for example, could tender these small jobs themselves to the private sector, it would cost far less and be far more efficient. Something must be done, Madam Speaker. I'll be pursuing these issues further with the Minister of Public Works and Services. Thank you.

---Applause

MADAM SPEAKER:

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

Member's Statement On Review Of The Liquor Act

MR. BALLANTYNE:

Thank you, Madam Speaker. Madam Speaker, today I want to talk about the review of the Liquor Act. First of all, I would like to congratulate the former Minister for undertaking a much-needed review of the Liquor Act.

One issue that was quite controversial this summer that hasn't been discussed in this House, and I would like to put across my views about, was the proposal to ban liquor sales to pregnant women. That, as Members are aware, was quite controversial, not only here but in other parts of the country. In fact, it was discussed on Peter Gzowski this morning.

I understand the deep concern. I understand the desperation that would lead groups to recommend such a harsh reaction to a problem. But I want to go on public record today to say that this particular proposal is absolutely unacceptable for a number of

reasons. The first reason is I, for one, don't think it would pass any Charter test.

The second reason is what it really does is condemn women who don't have a drinking problem and put them in the same category with the women who do have a drinking problem.

Thirdly, it's very difficult to tell exactly when a woman is pregnant.

The fourth issue is more and more of the tests that are being done now say that much, if not all, of the damage that is done to a foetus is done in the first few weeks after conception, before a woman would even show that she is pregnant. I think we also have to recognize that a woman who is a problem drinker when she's pregnant does that for a reason, as all problem drinkers do. And that woman doesn't need to be publicly condemned and ridiculed. The woman needs the support of her family, of her community and of this government.

Later on today, I'll follow up with the Minister with some questions on this particular issue. But I just wanted to put it on the public record that I'm absolutely opposed to this particular proposal. Thank you, Madam Speaker.

MADAM SPEAKER:

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

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Member's Statement On Consultation Re Issuance Of Land Use Permits

MR. NG:

Thank you, Madam Speaker. Madam Speaker, on August 23rd, a heavy equipment contractor in Cambridge Bay submitted a land use application to establish a sand quarry and for constructing a five to six-kilometre haul road to a site southwest of the community.

On September 8th, a land use permit was issued by DIAND's Inuvik office authorizing the work to proceed. This permit was issued without any type of consultative process regarding the land use development. The contractor started construction of an access road on September 9th. To date, they have completed approximately four kilometres. This access road starts in an area approximately 10

kilometres from town and runs parallel to an area which is a traditional summer camping area where local families net char and dry their fish and caribou. This area is also utilized for sport fishing, picnics and other recreational pursuits of community residents.

Madam Speaker, upon discovering that the development was proceeding, municipal councillors voiced objections for the lack of consultation. Although support for the development on council was mixed, they all agreed that due process by DIAND was not undertaken. Council had planned a public meeting on October 5th to discuss the development with community residents. The issuance of the land use permit and the initiation of road construction undermined council's efforts to formalize a position on the issue.

DIAND officials advised council that the land use application was for an area covered by a Department of National Defence land reserve. The contractor had received permission from the Department of National Defence to extract the sand and to build an access road to the quarry site. DIAND issued the land use permit based on DND permission.

Madam Speaker, the development has taken place at a time when a minimum number of community residents travel to the affected area. In fact, I believe most community residents aren't even aware of the development. The road and sand quarry development have raised a lot of questions which should have been addressed prior to any land use permit being granted. Questions such as why the need for a permanent road, what amount of resources are being extracted, over what period of time will activity take place, were there alternate sand quarry sites investigated, and, most importantly, what disruption and impact will the development have on traditional users of the area.

I find the whole process surrounding the access road for a sand quarry very distasteful. Madam Speaker, as my time is up, I ask for unanimous consent to conclude my statement.

MADAM SPEAKER:

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

MR. NG:

Thank you, Madam Speaker, colleagues. Madam Speaker, I hope our government will convey in very strong terms to DIAND and the Government of Canada the need to undergo substantive consultation in communities where the issuance of land use permits may infringe upon traditional, recreational and historical uses of lands near our communities. Thank you.

---Applause

MADAM SPEAKER:

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

Member's Statement On Treaty Day In Deh Cho

MR. GARGAN:

Thank you, Madam Speaker. I rise today to speak on a matter of some concern to my constituents living in Kakisa and Fort Providence. During the last treaty day, which was held on July 27th, the representatives of DIAND could not make their scheduled appearance in Kakisa. It would have been nice, Madam Speaker, if someone could have informed the residents of Kakisa that the department would be unable to make it on that day.

That, in itself, doesn't really bother me. It was of minor concern to the residents and looked upon as an innocent oversight. Madam Speaker, what I am most concerned with is the lack of respect shown by the department when they were finally able to make it to Kakisa.

Madam Speaker, these treaties were signed 73 years ago as agreements between two sovereign nations and peoples. The Dene have come to look at these treaty payment days as an opportunity for our elders and leaders to give state of the union speeches to representatives of the Queen and the department, to have their concerns heard and possibly acted upon.

The lack of respect I refer to, Madam Speaker, is the fact that there are no senior members of the department present at any of these payment days. Surely, it is not too much to ask that a senior member of the department accommodate these parties as a sign of respect for our leaders and our elders, to listen to the people they are supposed to be working for.

In Fort Providence, I was in attendance for my local treaty day. As in the past, I had made it a practice to allow the chief and elders and, in fact, the entire community to receive their \$5 before me. I figure, Madam Speaker, as an elected territorial politician making the kind of money that the press say I do, that I should allow the locals to go first. Besides, it gives me a good opportunity to visit with a majority of my constituents.

Madam Speaker, I did not get my \$5. The

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departmental officials arrived somewhere around noon, so I assume they left Yellowknife at 8:00 in the morning and there were only two of us left standing in line...

MADAM SPEAKER:

Sorry, Mr. Gargan. The honourable Member for Deh Cho, Mr. Gargan.

MR. GARGAN:

Madam Speaker, I would like to seek unanimous consent to conclude my statement.

MADAM SPEAKER:

Thank you. The honourable Member is seeking unanimous consent to continue. Are there any nays? There are no nays. Please proceed, Mr. Gargan.

MR. GARGAN:

Thank you, Madam Speaker, honourable Members. Madam Speaker. Madam Speaker, I did not get my \$5. I assume that, because the departmental officials arrived somewhere around noon, they left Yellowknife at 8:00 in the morning. There were only two of us left standing in line, but when 5:00 pm came, these conscientious government employees shut the place down faster than Eliot Ness could shut down a liquor still during prohibition in Chicago.

---Laughter

Madam Speaker, even the banks are not that rude, and let their line-ups run out before they shut down.

SOME HON. MEMBERS:

Hear, hear.

MR. GARGAN:

Madam Speaker, I don't think it would have cost any of the DIAND employees any undue hardship to remain open another five minutes to finish their job, to show respect for all the members of the community, even the politicians. Mahsi cho.

---Applause

MADAM SPEAKER:

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

Member's Statement On Future Economic Plans Of Mining Industry

MR. LEWIS:

Thank you, Madam Speaker. I have been interested in environmental matters for most of my life. As a Member of this Assembly for the last seven years, I have taken particular interest, especially as it relates to the mining industry.

Madam Speaker, we were all struck during the 1970s about how a threat of any great development suddenly brought warring factions together. We saw the Berger hearings bring all the environmental groups out right across the country. And battles waged all up the Mackenzie valley about what development was going to do. It was unproductive. It was an unproductive process in the sense that it caused two groups of people to fight, and they continued to fight until very recently.

Yesterday morning, I was pleased to hear Mr. Livingston, of the Department of Indian Affairs and Northern Development, announce that for the north slave province here -- the geological province, one of the major mineral caps in the world -- all stakeholders will now develop an environmental management plan.

I am pleased to see the mining industry finally decide this is an area where they have to play a major leadership role. Instead of reacting to this group or that group, they recognize that this is something which will really determine the future of the mining industry, not only in Canada, but in the rest of the world. So, I applaud the mining industry for doing what they are doing and for the leadership that has been taken to make this a major incentive for those mines that really want to establish themselves here.

The second thing, Madam Speaker, is that if mines are going to succeed in the Northwest Territories, not

only does there have to be an environmental plan -- such as that being proposed for the province -- but also, they have to look at the benefits. What are the benefits that are going to accrue to the people who live there? I see those two things, environmental management and benefits to the people who live in this part of the world, as being major ingredients in the future economic plans for the mining industry in the Northwest Territories. I congratulate the people who are leading this movement. Thank you.

AN HON. MEMBER:

Hear, hear.

---Applause

MADAM SPEAKER:

Thank you. Item 3, Members' statements. Item 4, returns to oral questions. The honourable Member for Baffin Central, Ms. Mike.

HON. REBECCA MIKE:

Thank you, Madam Speaker. I wish to return to item 3, Members' statements. I don't think you saw my hand raised.

MADAM SPEAKER:

Sorry, I didn't see your hand go up. The honourable Member is seeking unanimous consent to return to Members' statements. Are there any nays? There are no nays. Please proceed, Ms. Mike.

REVERT TO ITEM 3: MEMBERS' STATEMENTS

Member's Statement On Mamiisaiyiit Group In Pangnirtung

HON. REBECCA MIKE:

Thank you, Madam Speaker. Today I would like to take a moment to share with you and the Members some information about an important group in my home community of Pangnirtung. That group is the Mamiisaiyiit group. Mamiisaiyiit is currently operating three support groups: an alcohol and drug dependency group; a healing group for survivors of sexual abuse; and, a support group for grieving families.

(Translation) In July of this year, the Mamiisaiyiit group also went hunting for one week with nine families and five individuals, including elders. For

some of these elders, this was the first opportunity to hunt in many years. For various reasons they were unable to hunt alone or without help from others. From what I understand, the elders who went enjoyed themselves immensely. They successfully hunted caribou, seals and a beluga whale. The meat taken from this hunt was distributed to all elders in the community. If we are to learn from our elders, this kind of traditional event must be encouraged and supported. (Translation ends)

Madam Speaker, I am proud of my heritage and am happy to see that people in Pangnirtung are interested and willing to take steps to preserve our culture, and in doing so, help our elders.

I would like to congratulate the Mamiisaiyiit group for a successful hunt, and for showing elders that they are a much needed part of our society today. Thank you.

---Applause

MADAM SPEAKER:

Thank you. Item 3, Members' statements. Item 4, returns to oral questions. Item 5, recognition of

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visitors in the gallery. The honourable Member for Yellowknife South, Mr. Whitford.

ITEM 5: RECOGNITION OF VISITORS IN THE GALLERY

MR. WHITFORD:

Thank you, Madam Speaker. Today I am pleased to introduce to the Members, Captain Phil Grandy of the Canadian Coast Guard service. He is also the commander of the ice breaker, the Louis St. Laurent. As I mentioned in my Member's statement, they had gone over the Arctic waters. And just a few minutes ago, I had the pleasure of introducing Captain Grandy to our Premier, where he presented a letter that was carried on the ship circumnavigating the Arctic waters. Captain Grandy is in the visitors' gallery.

---Applause

MADAM SPEAKER:

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

ITEM 6: ORAL QUESTIONS

Question 114-12(6): Holding PUB Hearings Outside Of Yellowknife

MR. PATTERSON:

I'm going to save my venom for Mr. Morin, Madam Speaker. I'm anxious to ask the Minister responsible for the Public Utilities Board if he's had any response, following his commitment yesterday, to see if the chair of the Public Utilities Board would hold hearings outside Yellowknife on the general rate application in other affected regions of the territories. Thank you.

MADAM SPEAKER:

Thank you. Minister responsible for the Public Utilities Board, Mr. Todd.

Return To Question 114-12(6): Holding PUB Hearings Outside Of Yellowknife

HON. JOHN TODD:

I know that yesterday I said I was hot, but I'm not that hot. I haven't had the opportunity at this time to discuss with the chairman of the Public Utilities Board the request by the Member for Iqaluit that hearings be held in the eastern Arctic. Thank you.

MADAM SPEAKER:

Thank you. Supplementary, Mr. Patterson.

Supplementary To Question 114-12(6): Holding PUB Hearings Outside Of Yellowknife

MR. PATTERSON:

Madam Speaker, I was extremely impressed with the alacrity with which the Minister responded to my question yesterday. He said in response to my supplementary question that he would pursue the matter this afternoon. That was yesterday afternoon.

SOME HON. MEMBERS:

Shame, shame.

MR. PATTERSON:

Did he pursue the matter yesterday afternoon as he assured this House he would at this time yesterday? Thank you.

MADAM SPEAKER:

Thank you. Minister responsible for the Public Utilities Board, Mr. Todd.

Further Return To Question 114-12(6): Holding PUB Hearings Outside Of Yellowknife

HON. JOHN TODD:

I think maybe the honourable Member swallowed his pocket thesaurus. Madam Speaker, I did pursue it with great vigour yesterday afternoon, however the Public Utilities Board was involved in meetings defending the constituencies that Mr. Patterson is concerned about. But I did talk late last evening with the deputy chair, Mr. Mercer who assured me that steps were going to be taken to visit with communities where the rate increases are most affected, and seek an opportunity for those that are most affected to express their views. I did do what he told me to do.

MADAM SPEAKER:

Supplementary, Mr. Patterson.

Supplementary To Question 114-12(6): Holding PUB Hearings Outside Of Yellowknife

MR. PATTERSON:

Thank you, Madam Speaker. So that I don't further exhaust my few precious questions in question period, could I ask the Minister if he will, by statement or otherwise, inform the House when he forthwith deals with the matter as he pledged to do so yesterday. Thank you.

MADAM SPEAKER:

Thank you. Minister responsible for the Public Utilities Board, Mr. Todd.

Further Return To Question 114-12(6): Holding PUB Hearings Outside Of Yellowknife

HON. JOHN TODD:

This is an exhausting exercise. I want to assure the honourable Member that I'm taking the matter seriously, that we're going to make the appropriate moves to ensure that the Public Utilities Board in future does meet in the constituencies that are affected. I know this matter with respect to the power rate changes and increases, as expressed by Mr. Koe earlier in his statement, is an important one. I should

be in a position soon to be able to advise them when, where, and how these meetings will take place. But he has my assurance in the meantime.

MADAM SPEAKER:

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

Question 115-12(6): Reorganization Of MACA

MR. KOE:

Mahsi, Madam Speaker. Madam Speaker, on Tuesday, October 11th, my colleagues, Mr. Antoine and Mr. Zoe, posed questions to the Minister of Municipal and Community Affairs about the current reorganization of the department at the headquarters level. I would like to ask a couple of follow-up questions for more clarity.

The Minister, when asked for rationale behind the reorganization, stated, and I quote from unedited Hansard of October 11th, "the rationale for the reorganization of this department was based on realigning the resources that we have within the department, to realign the divisions that fall under two deputy ministers which is now one. It was just to get the department streamlined within the existing divisions that the department has with the

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number of resources and staff." So based on this statement made by the Minister, I would like to ask the honourable Minister what divisions within the department at the headquarters level are being restructured, streamlined or eliminated as a result of this reorganization.

MADAM SPEAKER:

Thank you. Minister of Municipal and Community Affairs, Ms. Mike.

Return To Question 115-12(6): Reorganization Of MACA

HON. REBECCA MIKE:

Thank you, Madam Speaker. When I made the response to Mr. Zoe's question on October 11th, in my return I mentioned the department had been reorganized with divisions under two deputy ministers, and changes were made to realign under one. I meant to say the department was organized with

divisions under two assistant deputy ministers and now there is one.

This, Madam Speaker, in the last two days has been my struggle that I tried to make a Minister's statement on, to correct any confusion that I may have caused yesterday.

Further, to answer Mr. Koe's question, on the divisions that have been realigned are: lands, planning and surveys have been combined from three into one division; the municipal operation assessment division has been deleted; municipal operation functions have been combined with the capital and community works area from the former community works and capital planning division which is now community development division; and, the corporate affairs division has been deleted and has the position of director of strategic planning and special projects. The result has been the deletion of five director positions. I think that is the current status of Department of Municipal and Community Affairs' reorganization, Madam Speaker. Thank you.

MADAM SPEAKER:

Thank you. Supplementary, Mr. Koe.

Supplementary To Question 115-12(6): Reorganization Of MACA

MR. KOE:

Mahsi. I would like to thank the Minister for that enlightenment. Within these divisions, you mention that several divisions are being deleted; specifically, corporate affairs and I think I heard municipal affairs. I believe in the division of municipal affairs there is a significant number of people. At noon I looked in the phone book, and I think there are 29 people in that specific division. So what is going to happen to these positions which were allocated to these specific divisions? What happens to the positions that are within those divisions?

MADAM SPEAKER:

Minister of Municipal and Community Affairs, Ms. Mike.

Further Return To Question 115-12(6): Reorganization Of MACA

HON. REBECCA MIKE:

Thank you, Madam Speaker. The positions are still there. In fact, the telephone numbers, along with the present staff, we have not changed. Thank you.

MADAM SPEAKER:

Thank you. Supplementary, Mr. Koe.

Supplementary To Question 115-12(6):
Reorganization Of MACA

MR. KOE:

Maybe I can clarify a little more. I should have asked, what is going to happen to the people who are in these positions in those divisions which are going to be eliminated.

MADAM SPEAKER:

Thank you. Minister of Municipal and Community Affairs, Ms. Mike.

Further Return To Question 115-12(6):
Reorganization Of MACA

HON. REBECCA MIKE:

The only position that has been eliminated, I believe, is corporate affairs. Thank you.

MADAM SPEAKER:

Final supplementary, Mr. Koe.

Supplementary To Question 115-12(6):
Reorganization Of MACA

MR. KOE:

Regarding that position, I hope the individual hasn't been eliminated but I assume the position has been eliminated. Has that person then been given lay-off notice or what's happening with that specific individual?

MADAM SPEAKER:

Thank you. Minister of Municipal and Community Affairs, Ms. Mike.

Further Return To Question 115-12(6):
Reorganization Of MACA

HON. REBECCA MIKE:

Thank you, Madam Speaker. The position has been eliminated but the person has not. Every effort has been made to retain all staff within the department. The affected personnel or staff, due to the reorganization of the department, have received letters if their jobs are affected in the change of reorganization.

MADAM SPEAKER:

Item 6, oral questions. The honourable Member for Yellowknife North, Mr. Ballantyne.

Question 116-12(6): Proposal To Ban Liquor Sales To Pregnant Women

MR. BALLANTYNE:

Thank you, Madam Speaker. I have a question for the Minister of Safety and Public Services, and the question is to do with the proposal to ban liquor sales to pregnant women. During the summer and the fall, Madam Speaker, this issue was in the media, and the House wasn't in session, so MLAs or the Minister haven't had an opportunity to deal with this particular issue. From the media reports, it seemed that a representative of the department seemed quite favourably disposed towards this particular recommendation. I haven't heard anything from the Minister of the department since, so if I could ask the Minister, what is the view of the department on this particular proposal?

MADAM SPEAKER:

Thank you. Minister of Safety and Public Services, Mr. Nerysoo.

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Return To Question 116-12(6): Proposal To Ban Liquor Sales To Pregnant Women

HON. RICHARD NERYSOO:

Thank you, Madam Speaker. We haven't, and I personally have not, taken a view on the suggestion that has been made, primarily because I believe that the review process will allow us to address, in principle, some of the issues that were raised, and we are not at the particular point yet for any Minister, or myself in particular, to take a firm position on any of these issues.

MADAM SPEAKER:

Thank you. Supplementary, Mr. Ballantyne.

Supplementary To Question 116-12(6): Proposal To Ban Liquor Sales To Pregnant Women

MR. BALLANTYNE:

Supplementary, Madam Speaker. I understand the Minister's answer but I am not sure I can agree with it today. Unfortunately, partly because of a response from a representative of the department who actually gave a more definitive response to this particular recommendation, as opposed to no response to dozens of other recommendations, this became quite a big issue. So it is an issue that MLAs have to deal with. It is an issue that the government has to deal with. So I think the Minister has some responsibility to clarify the words of the Minister's staff on this particular issue. So I will ask again, for the public who have some concerns about the government seeming to show favouritism towards this issue when they are silent on most of the other issues, what is the position of the department on this issue. Thank you.

MADAM SPEAKER:

Thank you. Minister of Safety and Public Services, Mr. Nerysoo.

Further Return To Question 116-12(6): Proposal To Ban Liquor Sales To Pregnant Women

HON. RICHARD NERYSOO:

Thank you, Madam Speaker. As Minister, I haven't taken a position for or against the initiative that has been proposed. The department has not supported the initiative in terms of its final decisions or conclusions. I think that the point the honourable Member made earlier is an important consideration when making any final decisions, because we still have to address the whole issue in terms of its constitutional implications. We have to also regard its enforceability and the possible impact on health policies surrounding prenatal care. Those are all components that have to be addressed before we reach a final position. I would suggest to the honourable Member, while I recognize the importance of the issue, that I think it's premature on my part, without concluding and providing this House with the legislative action paper, to make any conclusive decisions. I would think that the consultation process should come up, in the final analysis, with its recommendation on the legislation.

MADAM SPEAKER:

Thank you. Supplementary, Mr. Ballantyne.

Supplementary To Question 116-12(6): Proposal To Ban Liquor Sales To Pregnant Women

MR. BALLANTYNE:

Thank you. If the Minister and the department were totally consistent about this, I could agree with the response. I will then ask the Minister if he could assure me and assure this House that representatives of the department won't make statements which could be construed as being favourably disposed towards one proposal or another? Thank you, Madam Speaker.

MADAM SPEAKER:

Thank you. Minister of Safety and Public Services, Mr. Nerysoo.

Further Return To Question 116-12(6): Proposal To Ban Liquor Sales To Pregnant Women

HON. RICHARD NERYSOO:

Thank you, Madam Speaker. Just to advise the honourable Member, we look at all proposals and suggestions seriously, but we have to look at them carefully. I agree with the honourable Member and say yes to the honourable Member that we must be careful and must consider the ramifications before we take a position one way or the other. I think the process should work itself out and allow us to make some final decisions on these issues.

MADAM SPEAKER:

Thank you. Final supplementary, Mr. Ballantyne.

Supplementary To Question 116-12(6): Proposal To Ban Liquor Sales To Pregnant Women

MR. BALLANTYNE:

For my final supplementary, Madam Speaker, because this particular issue seems to have received a lot more attention than other issues in this review, can I ask the Minister if the Minister could provide to this House a definitive response to this issue as soon as possible, not waiting for the final review to be completed? Thank you, Madam Speaker.

MADAM SPEAKER:

Thank you. Minister of Safety and Public Services, Mr. Nerysoo.

Further Return To Question 116-12(6): Proposal To Ban Liquor Sales To Pregnant Women

HON. RICHARD NERYSOO:

Thank you, Madam Speaker. The problem with trying to take a definitive position on this particular issue is that it is all part of a process that has been supported by Members of this House. I think that it would be undermining the process to its conclusion if we made a final and definitive position, but what I can say to the honourable Member -- he made the point quite clearly earlier -- is I concur that it is an issue that cannot be taken, in terms of firmness of position, without looking at its constitutional implications and the enforceability issue. I concur with those remarks that the honourable Member made, and that has to be considered when we come to a final decision on this matter.

MADAM SPEAKER:

Thank you. Item 6, oral questions. The honourable Member for North Slave, Mr. Zoe.

Question 117-12(6): Participation Of NWT Athletes At North American Indigenous Games

MR. ZOE:

Thank you, Madam Speaker. I indicated earlier that I would follow up with questions to the Minister of Municipal and Community Affairs with regard to the participation of athletes from the Northwest Territories

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to the North American Indigenous Games.

Madam Speaker, my question is for the Minister of Municipal and Community Affairs. In March of 1993, the then Minister said that requests for financial assistance for NWT athletes to attend events such as the North American Indigenous Games would be considered on a case-by-case basis. Is the current Minister continuing that current policy? Thank you.

MADAM SPEAKER:

Thank you. Minister of Municipal and Community Affairs, Ms. Mike.

Return To Question 117-12(6): Participation Of NWT Athletes At North American Indigenous Games

HON. REBECCA MIKE:

Thank you, Madam Speaker. This is one area that I am not particularly familiar with, but I can assure the Member that I will continue to do the work that my predecessor started and this is one area I feel is important that we should be pursuing. Thank you.

MADAM SPEAKER:

Thank you. Supplementary, Mr. Zoe.

Supplementary To Question 117-12(6): Participation Of NWT Athletes At North American Indigenous Games

MR. ZOE:

Thank you, Madam Speaker. From the response to my question, it sounds like the Minister is agreeing that she will continue that particular policy. If that's the case, then I would like to ask the Minister another question.

Madam Speaker, a number of athletes from my region recently approached the Department of Municipal and Community Affairs and asked for assistance to travel to the North American Indigenous Games next summer. It is my understanding, Madam Speaker, that the department has turned them down. Was this rejection in keeping with the policy that I mentioned earlier?

MADAM SPEAKER:

Thank you. Minister of Municipal and Community Affairs, Ms. Mike.

HON. REBECCA MIKE:

Thank you, Madam Speaker. I am not familiar with that particular incident, so I will take his question as notice. Thank you.

MADAM SPEAKER:

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

Question 118-12(6): MACA's Role In Land Use Applications On Crown Land

MR. NG:

Thank you, Madam Speaker. My question is to the Minister of Municipal and Community Affairs. I would like to ask the Minister what her department's role is with regard to land use applications on federal Crown land? Thank you.

MADAM SPEAKER:

Thank you. Minister of Municipal and Community Affairs, Ms. Mike.

Return To Question 118-12(6): MACA's Role In Land Use Applications On Crown Land

HON. REBECCA MIKE:

Thank you, Madam Speaker. I believe Crown land is the responsibility of DIAND. I am not aware whether our department works with DIAND. If I could get more detail on the particular incidents, I could look into it. Thank you.

MADAM SPEAKER:

Thank you. Supplementary, Mr. Ng.

Supplementary To Question 118-12(6): MACA's Role In Land Use Applications On Crown Land

MR. NG:

Thank you, Madam Speaker. Yes, I recognize it is federal Crown land and it is handled by DIAND. I am trying to clarify whether or not the department is formally advised by DIAND where there are land use applications outside of municipal boundaries that may affect municipalities in the Northwest Territories. Thank you.

MADAM SPEAKER:

Thank you. Minister of Municipal and Community Affairs, Ms. Mike.

HON. REBECCA MIKE:

Thank you, Madam Speaker. Again, this pertains to particular incidents, so I will have to take his question as notice.

MADAM SPEAKER:

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

Question 119-12(6): Renovation Project At Nunatta Campus

MR. PATTERSON:

Thank you, Madam Speaker. I know this is perhaps not a subject that the Minister could be expected to be on top of, but I did give some notice of this question to the Minister. It is about the project I referred to in my Member's statement to install windows that open in the married students' residence in Iqaluit. I'd like to ask the Minister of Public Works and Services why a Yellowknife project officer had to handle this \$21,000 contract in the Baffin region. Thank you.

MADAM SPEAKER:

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

Return To Question 119-12(6): Renovation Project At Nunatta Campus

HON. DON MORIN:

Thank you, Madam Speaker. I would like to thank the Member for the couple of hours notice that he did give me on this question.

---Laughter

I thank him for raising the issue. It is always good to hear about issues out in the regions. The married students' residence you are talking about was, I believe, built last year or the year before. The windows were not installed to the specifications the department asked for and we ended up in a dispute with the consultant. There was a pending court case that could have possibly gone ahead. We ended up looking after this project from Yellowknife with the original project officer who was on the job from day one.

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This project occurred before the decentralization of minor projects happened. We felt it was important to keep the same project officer to deal with the consultant. We managed to come to agreement with the local consultant. He paid two-thirds of the cost and we ended up paying one-third, without going to court. So, it came to a satisfactory conclusion and I believe that residents who are living in this residence are quite happy with the windows that do now open. Thank you.

---Applause

MADAM SPEAKER:

Thank you. Supplementary, Mr. Patterson.

Supplementary To Question 119-12(6): Renovation Project At Nunatta Campus

MR. PATTERSON:

Thank you, Madam Speaker. The Minister may be sorry that he said the residents were happy with the windows that now open because I understand, Madam Speaker, the college, the client, asked for manual, not crank-operated windows, and windows high enough so that small children could not fall out.

I would like to ask the Minister, why did the project officer tell the client -- in response to the client's concern that the windows be designed so that children could not fall out -- that the answer was parents would have to closely watch their children, and not that the windows would be designed so they would not be a hazard to young children. Thank you.

MADAM SPEAKER:

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

HON. DON MORIN:

Thank you, Madam Speaker. I don't know the answer to that question so I will have to take it as notice. Thank you.

MADAM SPEAKER:

Thank you. The question has been taken as notice. Mr. Patterson.

MR. PATTERSON:

Thank you, Madam Speaker. I understand the Minister's explanation about the project having to originate from Yellowknife...

MADAM SPEAKER:

Sorry, Mr. Patterson. The honourable Minister took the question as notice.

MR. PATTERSON:

Okay.

---Laughter

MADAM SPEAKER:

Item 6, oral questions. The honourable Member for Deh Cho, Mr. Gargan.

Question 120-12(6): Appointments To The NWT Water Board

MR. GARGAN:

Thank you, Madam Speaker. I would like to direct my question to the Premier, and it is with regard to the appointment to the Northwest Territories Water Board. I understand that D'arcy Arden and Glen Warner have served their terms and they were up on October 1st. I would like to ask if those two individuals have been reappointed or does the Premier have other people serving now?

MADAM SPEAKER:

Thank you. Madam Premier.

Return To Question 120-12(6): Appointments To The NWT Water Board

HON. NELLIE COURNOYEA:

Madam Speaker, information went out informing Members that the two appointments were open. Mr. Warner did not wish to continue his service on the water board and Mr. Arden has left his name standing. As well, there were a number of other names submitted. There will be a formal announcement on the suggested names later this week. Thank you.

MADAM SPEAKER:

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

Question 121-12(6): Process for Opening Tender Documents

MR. ALLOOLOO:

Thank you, Madam Speaker. I would like to ask the Minister of the Department of Public Works and Services about tendering documents. When the tenders are opened, are they opened where the job has to be done, like in the smaller communities? Thank you.

MADAM SPEAKER:

Minister of Public Works and Services, Mr. Morin.

Return To Question 121-12(6): Process for Opening Tender Documents

HON. DON MORIN:

Thank you, Madam Speaker. No, they are not.

MADAM SPEAKER:

Thank you. Supplementary, Mr. Allooloo.

Supplementary To Question 121-12(6): Process for Opening Tender Documents

MR. ALLOOLOO:

Madam Speaker, I understand that when the documents are being opened, normally the contractors who are interested in the job are able to be at the site; at the regional centres where the tender documents are open. In my region of Baffin, the tender documents are opened in Iqaluit and if the job has to be done in Pond Inlet, some small companies cannot afford the airfare -- which is over \$1,000 to go from Pond Inlet to Iqaluit and back -- but the other companies who are outside from the community who are bidding, are able to be in Iqaluit and ask questions during the opening.

Would the Minister's intention be to open documents at the job site in the future, to accommodate small businesses? Thank you.

MADAM SPEAKER:

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

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Further Return To Question 121-12(6): Process for Opening Tender Documents

HON. DON MORIN:

Thank you, Madam Speaker. It would not be practical to do that. DWP runs approximately 2,500 to 3,000 jobs a year and there would be no advantage to opening it at the local site. Thank you.

MADAM SPEAKER:

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

Question 122-12(6): Detailed Information On Departmental Changes

MR. ANTOINE:

Thank you, Madam Speaker. My question is for the Premier. It's with regard to two major departments that are presently going through a lot of changes. The first one is the Department of Health and Social Services which is going through amalgamation and there are many changes going on within that department which affects the services and programs delivered to people we represent here. The second is the sudden urge for reorganization within the Municipal and Community Affairs Department. That is definitely affecting municipal governments and the people we serve.

I'd like to ask the Premier if her government is going to be providing more detailed information on these two departmental changes. Thank you.

MADAM SPEAKER:

Thank you. Madam Premier.

Return To Question 122-12(6): Detailed Information On Departmental Changes

HON. NELLIE COURNOYEA:

Madam Speaker, if the Members of the Legislative Assembly and the honourable Member in particular wants detailed information at his request, we can table more detailed information, so that you may look more closely at how these reorganizations are going. I did make a commitment to live up to the planning on the recommendation, I believe, number one on the Committee on Health and Social Services and I will be providing that information on the reorganization of MACA. We can provide more detailed information. Thank you.

MADAM SPEAKER:

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

Question 123-12(6): Appointment Of Executive Director To Stanton Hospital

MR. DENT:

Thank you, Madam Speaker. My question is for the Minister of Health and Social Services. I understand Stanton Hospital is operating with an acting executive director and that the initial understanding was that the acting executive director would be replaced this fall. I'm wondering if the Minister could advise when an appointment to this position might be expected.

MADAM SPEAKER:

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

Return To Question 123-12(6): Appointment Of Executive Director To Stanton Hospital

HON. NELLIE COURNOYEA:

Madam Speaker, I am presently reviewing the nominees who have been sent in and asking for some background information, so we should be able to complete that. I had hoped that I would have been able to make that announcement today, but I just didn't have the necessary paperwork to properly evaluate the nominees. This is what I'm presently doing. I'll try to make the announcement on Monday, Madam Speaker.

MADAM SPEAKER:

Thank you. Supplementary, Mr. Dent.

Supplementary To Question 123-12(6): Appointment Of Executive Director To Stanton Hospital

MR. DENT:

Thank you, Madam Speaker. Supplementary to the same Minister. I believe the Minister was answering whether or not a hospital board chairman was going to be announced shortly. My question was about an executive director, but I understand that the hiring process for an executive director was halted because there was no chair. I think the Minister has probably answered what was to be a supplementary question. But for clarification, could she please advise the House if she was talking about the hospital board chairperson or the executive director position.

MADAM SPEAKER:

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

Further Return To Question 123-12(6): Appointment Of Executive Director To Stanton Hospital

HON. NELLIE COURNOYEA:

Madam Speaker, I was talking about the chair. Thank you.

MADAM SPEAKER:

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

Question 124-12(6): Renovations To Single Students' Residence At Nunatta Campus

MR. PATTERSON:

Thank you, Madam Speaker. I'd like to ask the Minister of Public Services about the somewhat straightforward job of replacing carpet in the single students' residence at Nunatta Campus, which had already been delayed a year by this fiscal year. I'd like to ask the Minister why this project was not done this summer when the students were away, as the college requested. Thank you.

MADAM SPEAKER:

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

Return To Question 124-12(6): Renovations To Single Students' Residence At Nunatta Campus

HON. DON MORIN:

Thank you, Madam Speaker. This is one of the projects we're looking after for Arctic College, part of the \$95,000 that were allocated in this year's capital budget. This project, due to decentralization, reorganization, training and getting people on stream in the region, is part of a backlog of small minor projects and this was a minor project. The department tells me it received low priority. The priority was to get out the major projects and

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that is the reason it is being tendered this late in the season. Also this is to be awarded tomorrow, but if there is a major concern with the client department or the campus students, this project can be put off to next summer and be done next summer. Thank you.

MADAM SPEAKER:

Thank you. Supplementary, Mr. Patterson.

Supplementary To Question 124-12(6): Renovations To Single Students' Residence At Nunatta Campus

MR. PATTERSON:

Well, I hope that's not a threat, Madam Speaker. You know what happens to Ministers who threaten ordinary Members in this House.

---Laughter

Notwithstanding the threat, I will pursue my questions, Madam Speaker. I'd like to ask the Minister, even though students are a low priority and what he calls "minor maintenance" is a low priority, why consideration was not given to putting this project out to tender before the sealift ended, to ensure that bidders could provide prices based on the cheaper sealift cost. Thank you.

MADAM SPEAKER:

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

Further Return To Question 124-12(6): Renovations To Single Students' Residence At Nunatta Campus

HON. DON MORIN:

Thank you, Madam Speaker. I would have preferred this project to be put out prior to the sealift coming in; it makes common sense to do that. There are some projects that do fall between the cracks or get tied up in backlogs and this was one of them. We do manage approximately 2,500 to 3,000 projects in a given year. We have made a major decentralization out of Yellowknife and we are retraining staff in the regions.

I am thoroughly convinced and am committed that by moving the decision making into the region, it will serve our client departments better, and we will have a more timely manner for how we deliver our projects. But that is going to take time. Things do not get done, with a major restructure like this, without a few hiccups and this is one of them. I apologize to the students at the campus in Iqaluit if there is any disruption to them. It was not a threat of putting the project off, just common sense. If the students don't want the project to disrupt their lives now, we can do it next summer, if that's what they request. Thank you.

MADAM SPEAKER:

Supplementary, Mr. Patterson.

Supplementary To Question 124-12(6): Renovations To Single Students' Residence At Nunatta Campus

MR. PATTERSON:

Madam Speaker, as I mentioned in my statement, I've told three stories about projects that have been botched this summer by the region and there are many more I could list. I guess I'd like to ask the Minister since this reorganization has apparently caused significant delays to some perhaps small projects -- it's the small ones that are important -- affecting students in the Nunatta Campus, has he done an evaluation of the reorganization? Is it working? Is it worthwhile? Has the evaluation caused more problems than it was intended to solve? Thank you.

MADAM SPEAKER:

Minister of Public Works and Services, Mr. Morin.

Further Return To Question 124-12(6): Renovations To Single Students' Residence At Nunatta Campus

HON. DON MORIN:

Thank you, Madam Speaker. Through consultation with Members of this Legislative Assembly, through Cabinet direction, what communities brought forward to us, and what regions told us, is how we came up with the decision to restructure and move a project manager to the regional level. Like I said earlier, it is not going to happen without some hiccups.

You must also remember that we, as the Department of Public Works and Services, have taken approximately a 67-PY cut in the last two years, and \$25 to \$27 million. Those things don't happen without causing some disruption. But, we are continually working to ensure that we deliver our projects in a timely manner.

I am thoroughly convinced that by decentralizing to the regions, we will serve the clients in the regions and the communities better. We are undertaking a review of current year projects right now. The review will be done by the end of November and I will report to the House what that review tells us, whether it is better or worse. Thank you.

MADAM SPEAKER:

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

Question 125-12(6): Criteria For The Selection Of Candidates For TEP

MR. NG:

Madam Speaker, my question is to the Minister of Education, Culture and Employment. I would like to ask the Minister what criteria the department uses for selection of candidates for the teacher education program, a program which has been expanded over the past few years. Thank you.

MADAM SPEAKER:

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

HON. RICHARD NERYSOO:

Thank you. I don't have the criteria with me. I will provide a copy of that and take the question as notice.

MADAM SPEAKER:

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

Question 126-12(6): European Fur Import Regulation

MR. ANTOINE:

Thank you, Madam Speaker. My question is directed to the Minister of Renewable Resources. It is with regard to the Minister's statement on the European fur import regulation that was done yesterday.

The Minister stated that we must change the European regulation so that it meets the original objective of promoting humane harvesting

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without killing the wild fur industry. I would like to ask the Minister, how is he proposing to do this. Thank you.

MADAM SPEAKER:

Thank you. Minister of Renewable Resources, Mr. Arngna'naaq.

Return To Question 126-12(6): European Fur Import Regulation

HON. SILAS ARNGNA'NAAQ:

Thank you, Madam Speaker. I think the intent of the statement was to indicate that the European regulation 3254 has gone much further than what it was expected to do, in that it was aspiring to answer to the wishes of those who wished to see the harvesting of fur bearing animals come to a complete stop. We, as a government, do not wish to see that because the majority of our people in the Northwest Territories make their living on fur bearing animals.

The intent of the European regulation, as it stands at the present time, will eliminate much of the harvesting that does take place in the Northwest Territories, in that the regulation requires that humane trapping standards be used. At the present time, the leghold traps that are being used by trappers is something that we, as a department, have been researching and would like to see improved. There are humane methods of trapping animals in the Northwest Territories.

The intent of the statement was to indicate that we would like to see the regulation of the European parliament put in the position where we, as a government or a people, who harvest fur bearing animals would be able to accommodate it. Thank you, Madam Speaker.

MADAM SPEAKER:

Thank you. Supplementary, Mr. Antoine.

Supplementary To Question 126-12(6): European Fur Import Regulation

MR. ANTOINE:

Thank you, Madam Speaker. I was one of the delegation who went to Europe last May to meet with some of the European governments, along with the Honourable Minister. We were in Europe at the same time, but in different places. We met with a lot of European countries and I think it was a very worthwhile trip.

To do what the Minister is indicating requires that people, like Members from the north, should be meeting with European governments to try to get them to change the intent of their regulations. I would like to ask the Minister if the intent of his statement is

that Members of this House should meet directly with European governments again. Thank you.

MADAM SPEAKER:

Thank you. Minister of Renewable Resources, Mr. Arngna'naaq.

Further Return To Question 126-12(6): European Fur Import Regulation

HON. SILAS ARNGNA'NAAQ:

Thank you, Madam Speaker. Yes, it is the intent of the government to form another delegation to go to Europe to follow up on the visit of last year. It is to impress upon the European commonwealth the unreasonable request being made by the Parliament in enforcing this regulation before the International Standards Organization has completed their work in defining what would be considered humane trapping. Thank you, Madam Speaker.

MADAM SPEAKER:

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

Question 127-12(6): Reason For Project Officer Travelling To Baffin

MR. PATTERSON:

Thank you, Madam Speaker. Madam Speaker, I would like to pursue the Minister of Public Works and Services once again on the window renovations. I know he took as notice the question about the height of the windows. He earlier explained that the project officer had to originate from Yellowknife because they wanted consistency and to have the original project officer still handling the project. I would like to ask the Minister why, for a relatively small \$21,000 job, it appears the project officer had to journey no less than three separate times from Yellowknife to Iqaluit to consult with the client. Thank you.

MADAM SPEAKER:

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

HON. DON MORIN:

Thank you, Madam Speaker. I don't know why the project officer flew to Iqaluit three different times, so I

will take the question as notice and get back to the Member. Thank you.

MADAM SPEAKER:

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

Question 128-12(6): Specific Plans For Amalgamation And Reorganization Of Departments

MR. KOE:

Mahsi, Madam Speaker. Madam Speaker, there were some questions raised earlier today and during the week about the reorganization and amalgamation of various departments, specifically the Department of Municipal and Community Affairs and the departments of Health and Social Services.

Any time there are changes in the organizational structure, there is an impact on staff and services which, in turn, affects our constituents. We've had confirmation, through questioning of the Minister of MACA, that there is reorganization going on in that department. I've heard, personally, from reliable sources that the deputy minister, in his briefing to the health board in Inuvik, said that there is a plan under way to amalgamate Health and Social Services.

The concern is that we haven't been provided with details of the reorganization and the amalgamation. I know the Premier has committed to providing those details, but I would like to ask the Premier if there are specific plans that are being followed in terms of the restructuring and amalgamation of these departments?

MADAM SPEAKER:

Thank you. Madam Premier.

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Return To Question 128-12(6): Specific Plans For Amalgamation And Reorganization Of Departments

HON. NELLIE COURNOYEA:

Madam Speaker, yes, there are.

MADAM SPEAKER:

Supplementary, Mr. Koe.

Supplementary To Question 128-12(6): Specific Plans For Amalgamation And Reorganization Of Departments

MR. KOE:

Mahsi, Madam Speaker. So there are plans in place. May I assume that somewhere down the road, we will be provided with the details of these plans?

MADAM SPEAKER:

Thank you. Madam Premier.

Further Return To Question 128-12(6): Specific Plans For Amalgamation And Reorganization Of Departments

HON. NELLIE COURNOYEA:

Madam Speaker, yes.

MADAM SPEAKER:

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

Question 129-12(6): Program And Financial Assistance To Small Communities

MR. ANTOINE:

Thank you, Madam Speaker. My question is directed to the Minister of Municipal and Community Affairs. Madam Speaker, this is the fifth Minister to which I will be addressing this matter since the beginning of our term. This is with regard to the small settlements operations assistance program, financial operations for small communities. I have a number in my constituency which are not incorporated. They are organized under band council community government systems, and they are not viewed by this government to be funded, according to other groups in the north and other communities. We are dealing with fairness and equity here. People in small communities have been at a disadvantage since the beginning of this government, and it's not appropriate.

Last year, I heard that this department was going to do something about assisting the small communities through a small settlement operations assistance program, and I thought that was going along fairly well until this sudden reorganization happened in this department. I would like to ask the Minister if anything is going to be done in terms of a program

such as the SOAP to help these small communities? Thank you.

MADAM SPEAKER:

Thank you. Minister of Municipal and Community Affairs, Ms. Mike.

Return To Question 129-12(6): Program And Financial Assistance To Small Communities

HON. REBECCA MIKE:

Thank you, Madam Speaker. The Member is quite correct in saying that he's been raising this concern for quite some time. During the Standing Committee on Finance review, we also discussed the question the Member is asking about. The department has not developed a specific plan to address this priority area, but this does not mean that actions have not been taken. The Member, through the Standing Committee on Finance, would provide a plan of action by the end of October, and there are a number of things, training initiatives and workshops, which are available for these smaller communities. We did make a commitment that we would do something to address some of the inequities that Mr. Antoine is talking about.

MADAM SPEAKER:

Thank you. Supplementary, Mr. Antoine.

Supplementary To Question 129-12(6): Program And Financial Assistance To Small Communities

MR. ANTOINE:

Thank you, Madam Speaker. In my preamble, to the Members of the Cabinet and the Financial Management Board who will make the decision on supporting small communities -- and I don't know why they haven't been doing that -- I just want to re-emphasize the point that they have to support communities like this. I would just like to ask the Minister, if a program such as the SOAP has been developed, is it possible to obtain some of the documentation on what type of support these communities will have?

MADAM SPEAKER:

Thank you. Minister of Municipal and Community Affairs, Ms. Mike.

Further Return To Question 129-12(6): Program And Financial Assistance To Small Communities

HON. REBECCA MIKE:

Thank you, Madam Speaker. In my earlier response, the plan of action that will be ready by the end of October will address those kinds of areas. Madam Speaker, I do understand Mr. Antoine's question and concern, and it is important in my eyes that these smaller communities should be provided the level of resources and training that they require. I can assure the Member that the plan of action which I hope will be ready by the end of October will include all that. Thank you.

MADAM SPEAKER:

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

Question 130-12(6): Amalgamation Of Health And Social Services

MR. PATTERSON:

I would like to ask the Premier about the proposed amalgamation of Health and Social Services. Madam Speaker, we know that Health is a much bigger department, and we know that Social Services is a much smaller department which has already been downsized by a major raid from the Department of Justice within the life of this government. Is this amalgamation of Health and Social Services an amalgamation or is it a takeover by Health. Thank you.

MADAM SPEAKER:

Minister of Health and Social Services, Madam Premier.

Return To Question 130-12(6): Amalgamation Of Health And Social Services

HON. NELLIE COURNOYEA:

Madam Speaker, I have to apologize because when the honourable Member puts a question forward, he uses all types of expressions that I find difficult to address. The responsibility of Health and Social Services is being consolidated. Thank you, Madam Speaker.

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MADAM SPEAKER:

Thank you. Supplementary, Mr. Patterson.

Supplementary To Question 130-12(6): Amalgamation Of Health And Social Services

MR. PATTERSON:

Maybe I could put the question more concretely. Madam Speaker, I understand there are plans afoot in the coming fiscal year to have this consolidation implemented. I would like to ask the Minister, since I assume the thinking is fairly well-advanced in her office about how this is going to happen, what will the role of the regional health boards be. Is it anticipated that Social Services staff will report to these regional health boards after the consolidation?

MADAM SPEAKER:

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

Further Return To Question 130-12(6): Amalgamation Of Health And Social Services

HON. NELLIE COURNOYEA:

Madam Speaker, the consolidation efforts of the departments began in earnest in October 1993 to try to address the issue of programs and services to individuals as well as to try to address some of the outstanding global concerns that individuals had in the delivery of social services, which goes under the category of welfare. What we tried to do, in rationalizing these programs and services, is to try to respond in a more positive way to the concerns that have been before us for many years.

For example, the Department of Education, Culture and Employment will hopefully take a lot of the responsibility which presently exists under the Social Services umbrella where there will be training employment, and I believe that those are the indicators that we had for quite a number of years, that people did not like to be on welfare and wanted a more positive program. So many of the areas that we can look toward to for the individuals in the communities are that they have better access to education and employment in this area. What we'd hoped then, is Social Services will be doing the job it was set up to do, with regard to the training that many of the workers need, and to provide counselling service and advice to people who are in need of this type of program.

As the Member is aware, there is a great deal of interest in communities taking more control over their lives. There are a number of issues that are housed in these various departments, so the consolidation is trying to address those issues.

Since we began, a number of steps have been taken to streamline the department and incorporate functions within the new department and I believe that we've provided that information to Members. As well, what we've done -- and I've taken the responsibility to also provide the information as we get it together -- is develop some models for the integration of programs at headquarters, regional and community levels because we feel it has to work together. I think what we're trying to do is put the programs together so, while we're doing this job, the programs and services are not disrupted. Because I think in streamlining, what you would get is easier access to more positive programs for people. As the Minister of Public Works says, any time we make changes, there will be some hiccups, but at the same time, I believe what we're doing will only just be responding to the many concerns that have been raised either in committees, in communities and in an overall global provision of services. Thank you.

MADAM SPEAKER:

Thank you. Supplementary, Mr. Patterson.

Supplementary To Question 130-12(6):
Amalgamation Of Health And Social Services

MR. PATTERSON:

Madam Speaker, I'd like to make it clear to the Premier I'm not questioning the decision to consolidate. I was part of the Special Committee on Health and Social Services that, in fact, recommended that step would be progressive. What I'd just like to ask the Minister again is, if she could enlighten us as to what thought has been given to the role of health boards. The Department of Health has regional health boards that oversee the delivery of programs at the regional level. The Department of Social Services has no equivalent boards. Will those health boards still be there and will the rump of the Social Services employees report through those boards? Has that been worked out? Thank you.

MADAM SPEAKER:

Madam Premier.

Further Return To Question 130-12(6):
Amalgamation Of Health And Social Services

HON. NELLIE COURNOYEA:

Madam Speaker, the discussions have begun at the regional level with the boards, with various workers in the regional office and communities. We've had two large workshops that put all these particular people together to see how we could best achieve this streamlining without the disruption. So we're working on that and we haven't come up with a plan to conclude it. We've had a lot of good input, but I would hope that rather than the rump of Social Services, maybe the brain of Social Services will be able to conduct its business in a more effective way. Thank you, Madam Speaker.

MADAM SPEAKER:

Thank you. The time for oral questions has lapsed. Item 7, written questions. The honourable Member for Iqaluit, Mr. Patterson.

ITEM 7: WRITTEN QUESTIONS

Written Question 4-12(6): GNWT Policies On
Advertising Supplements

MR. PATTERSON:

Thank you, Madam Speaker. I found it today. This is a written question to the Premier.

1. What was the cost of advertising supplements in Above and Beyond magazine featuring NWT Housing Corporation, MACA and Education?
2. Is it the policy of the Government of the Northwest Territories to purchase advertising copy from publishers who present the advertising as if it was an editorial copy without identifying it as a paid advertising supplement?
3. Is it not the policy of the Government of the Northwest Territories to tender such significant advertising supplements to northern publishers so as to give every northern business equal opportunity

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for government advertising business? Thank you.

MADAM SPEAKER:

Thank you. Item 7, written questions. Item 8, returns to written questions. Mr. Clerk. The House will recess for 15 minutes. Thank you.

---SHORT BREAK

MADAM SPEAKER:

I would like to call this House back to order. Item 9, replies to opening address. Item 10, replies to budget address. The honourable Member for Yellowknife Centre, Mr. Lewis.

ITEM 10: REPLIES TO BUDGET ADDRESS

Mr. Lewis's Reply

MR. LEWIS:

Thank you, Madam Speaker. I will be fairly brief. Now that we have two budgets, Madam Speaker, both a fall and a winter budget, it is not easy for the government to set out its agenda in its entirety in one address, as we were able to do at one time.

For that reason, Madam Speaker, although this session is dealing with capital, the address given by the Minister of Finance contained a mixture of information both about capital and O and M. He gave an overview of our total fiscal position and the causes of our deficit, including loss of funding for social housing, the high costs of fire fighting and proposed cuts to language programs.

The Minister pointed out, Madam Speaker, our revenue problems are great, and he's talked about that many times. Our population is far too small to expect to raise very much revenue through traditional taxation regimes. I agree that the only way in which we can raise significant revenues is through control of those sectors of the economy that produce wealth. I refer to minerals and oil and gas.

Madam Speaker, Members will recall that Mr. Chretien addressed us in this chamber shortly after he became Prime Minister a year ago. He made it clear -- and I would like to quote what he said to us in this chamber -- "We will devolve to this government those powers exercised by the federal government on your behalf, at a pace, and according to a timetable, set by this government." And, he was referring to the territorial government.

---Applause

That was a solemn commitment made by the Prime Minister of Canada to the people of the Northwest Territories in this Assembly. Somehow, things have changed. We now hear of difficulties of living up to that commitment since some residents of the Northwest Territories do not wish to see further devolution of power to this government.

In my view, if the federal government continues to be convinced that this government has reached its maximum level of development, we will begin a very difficult period of decline. In fact, in my view, Madam Speaker, that process has already begun.

Given our limited ability to raise revenue, the federal cuts that we are experiencing will have an inevitable effect; a complete lack of confidence in the current system of government by all citizens, not just by a small number of interest groups. If there is going to be devolution to local, tribal or regional governments, the federal government must give up many of its remaining powers to the territorial government if public government is going to survive.

The Prime Minister made that commitment to this Assembly and we should hold him accountable to what he said, since he has made a reputation of being a man of his word and he holds up the red book time and time again, saying, "This is my commitment to the people of Canada." He should do the same for the people of the Northwest Territories in terms of a commitment he made to us in this Assembly just a year ago.

Like all the governments, Madam Speaker, we're all facing deficits and we have to find ways of controlling our expenditures. It's interesting for me, Madam Speaker, to note that, like the basketball, baseball and hockey leagues, our government seems to want a salary cap and a large selection of take-aways from those benefits people have fought for over many, many years. It's been pointed out to us that at least five provinces have legislated salaries for their public servants. I urge this government to bargain in good faith and if necessary, allow the process of mediation and arbitration to proceed.

I have a bias against the use of the club of legislation, Madam Speaker. Legislation is a very powerful weapon and should be used for emergencies, not as an easy convenience, even though we are facing some difficult times.

I am pleased, Madam Speaker, to note the government recognizes the importance of the capital

plan and promoting the social and economic well-being of northern people. A continuing problem for all of us though, is the lack of a constant and clear plan of where we are going as a government, not just this government, but as a northern people, a northern society.

We identified many years ago -- and it's been a theme that I've been aware of for as long as I've lived in the Northwest Territories -- the dependence on government as the major barrier to northern development. The Ministers clearly identified the creation of wealth as our major challenge. I hope we recognize the federal agenda for this whole country is to reduce people's reliance on social programs and to promote them into the workforce as the way, in order to create a stable, healthy society.

Although strong economic men and women don't guarantee a strong social fabric, progressive stable societies usually emerge when a large part of the population is employed, pays taxes and relies less on government for assistance. It's my hope that our government still sees this dependence on government as a major challenge. I'm a little bit concerned that we may be giving mixed messages to the public about really what we're trying to do, especially in light of the comments made by the Finance committee which has now been clarified and we are all very thankful for that.

Finally, Madam Speaker, for our further development, health and stability, we need confirmation of further devolution to this government and a clear statement

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from the federal government of its continued commitment to public government in the Northwest Territories since, I should point out, it is a creation of a federal act and there's a growing feeling we are being abandoned. I wouldn't like to see that happen. Thank you very much, Madam Speaker.

--Applause

MADAM SPEAKER:

Thank you. Item 10, replies to budget address. Item 11, petitions. Item 12, reports of standing and special committees. The honourable Member for Nahendeh, Mr. Antoine.

ITEM 12: REPORTS OF STANDING AND SPECIAL COMMITTEES

Committee Report 10-12(6): Report On The Review Of The 1995-96 Capital Estimates

MR. ANTOINE:

Mahsi, Madam Speaker. In accordance with its terms of reference, the Standing Committee on Finance is pleased to submit its report on the review from the 1995-96 capital estimates of the Government of the Northwest Territories.

Therefore, the committee decided it was both necessary and timely to examine both the budget processes as a whole and the outstanding issues related to the operating budget, in addition to the proposed capital expenditures.

The primary purpose of the September meetings of the Standing Committee on Finance was to review the five-year capital plan for the time period from 1995-96 until 1999-2000. The committee decided to approach this review by focusing on policy and major financial issues. Further, the committee decided to save the detailed line-by-line scrutiny of the capital budget for the participation of all Members of the committee of the whole. This decision was made in the interest of holding a full public debate.

The committee reviewed the five-year capital plan for the period 1995-96 to 1999-2000 in the context of the larger issues of overall government fiscal policy and effective resource management. Committee Members carefully reviewed fiscal strategies and plans, as well as spending priorities. Throughout the review, committee Members focused on finding solutions to problems identified. New and innovative approaches to conducting the business of government were explored and are reported in this document.

The 1995-96 capital estimates represent the last capital budget to be presented by the current government. The government is proposing to spend close to \$195 million for capital projects in the fiscal year 1995-96. This figure is approximately 12 per cent lower than the current year revised forecast of \$221.5 million.

In his opening remarks to the committee, the chairman of the Financial Management Board said two key decisions were made with the 1995-96 capital budget. The first was that the government could not afford the capital programs that are in place. The chairman cited, as evidence, the 20-year capital needs assessment which calls for annual capital

spending levels that are twice the current annual budget.

In response to this major issue, the Financial Management Board launched a comprehensive government-wide review of capital standards and criteria. The major objective of this review is to bring capital requirements into line with capital resources. The chairman also expects the review will provide the framework for developing alternatives to current programs. The FMB chairman commanded that until this is done, the development of a realistic and responsive long-term capital strategy is not possible. The Standing Committee on Finance looks forward to seeing the results of the capital standards and criteria review.

The second major decision, described by the FMB chairman, affecting the 1995-96 capital budget was that the government could not significantly reduce the 1995-96 capital program without compromising the fundamental well-being of NWT residents. He pointed out that commitments have been made, programs have been implemented and contracts have been let. He went on to say eliminations of capital projects on a large scale would undermine all that the government has been trying to accomplish over the last three years.

During the review of the 1994-95 capital estimates, the Standing Committee on Finance recommended that changes be made to the five-year capital forecast documents to clarify and ensure consistency in the reporting of prior year, current year and total expenditures.

The Financial Management Board responded promptly to this recommendation with proposals for changes. The proposed changes are incorporated in the five-year capital forecast documents from 1995-96. The committee also recommended, during the review, that the Financial Management Board provide substantiation for any changes over \$100,000 in planned expenditures.

A report that compared the 1994-95 capital forecast to the 1995-96 capital forecast for any changes over \$250,000 in planned expenditures was sent to the committee for its review of the 1995-96 capital estimates. The Financial Management Board suggests that using a \$250,000 cut-off would provide a more meaningful and manageable report for a couple of reasons.

First, the volume of changes at \$100,000, based solely on revised cost estimates, would be very large. Second, \$250,000 is the level for reporting transfers and over expenditures to the Legislative Assembly. Committee Members were satisfied with the results and found the report very useful in conducting its review.

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At this time, Madam Speaker, I will be turning the rest of the Standing Committee on Finance report over to a colleague, the honourable Kelvin Ng.

MADAM SPEAKER:

Thank you. The honourable Member for Kitikmeot, Mr. Ng.

Consultation Process

MR. NG:

Thank you, Madam Speaker. The committee noted, once again, that there have been significant improvements to the capital planning process over the last few years. The comprehensive consultation process has been initiated. Government consults with the communities through local governments and Members of the Legislative Assembly. These enhancements are designed to ensure that this government's capital budget reflects the real capital needs of the citizens and their communities. There is, however, still room for improvement in the consultation process.

The committee noted, during its review, several examples where there are problems with community input into the capital planning process. In some instances, capital projects were not scheduled in accordance with community priorities. In other cases, consultations with the communities did not result in changes to the capital plans to reflect identified community needs.

The committee was concerned to see that plans to provide an elders' residence in Gjoa Haven have been deleted in the five-year capital plan document under review. Although the Minister explained, during her appearance before the committee, that the department was considering replacing elders' residences with home care programs in some communities, it appears that the community of Gjoa Haven was not adequately consulted and did not agree to the substitution. The committee urges the government to review this particular case and to

remain vigilant in ensuring that the consultation process works effectively.

Capital Expenditure Issues

Business Incentive Policy

The Minister responsible for Public Works and Services informed the committee that the department was planning to conduct extensive consultation during the summer months and have a new process in place for this tendering season. The committee was disappointed to discover that the department had fallen behind in its timetable. The result, of course, is a missed opportunity -- a large missed opportunity; \$105 million in capital projects not falling within the scope of a new, improved business incentive policy.

Many Members noted a number of problems with the present policy. The present policy does not appear to be adequately or strictly enforced. Enforcement is one of the key elements which would contribute to the successful application of this policy. Members wonder if the committee of deputies currently responsible for enforcement might be replaced by a more effective enforcement mechanism. Members would like to see consideration given to an arbitration or ombudsman type of enforcement mechanism.

During the September budget review, the committee was provided with a document outlining a new proposal for the policy. Members understand that this document is intended for use during the public consultation. However, the document did not provide enough detailed information for the committee to review. The committee's preliminary impression of the policy proposal is that it will still be far too complicated in its application. Members believe that a simplified process could and should be developed fairly quickly. This initiative is a high priority.

Arctic Resupply

The resupply initiative is a very important one to the territorial government and its constituents. In the September 1994 review, the committee was presented with another briefing on the resupply initiative. This briefing was focused, as requested, on the eastern Arctic. Committee Members noted there appears to be a large potential for cost-savings if resupply initiatives are coordinated with the whole of the Arctic. The committee learned that two different departments are responsible for resupply initiatives. The Department of Public Works and Services is responsible for resupplying the Baffin, while the

Department of Transportation is responsible for resupplying the Keewatin. Members feel that the whole resupply initiative could function much more efficiently if one department took the lead role. It is inappropriate on such a major initiative -- particularly one that is directed at achieving savings through economies of scale -- that two different departments are assuming the lead role in neighbouring regions. Madam Speaker, at the appropriate time we will be making the following motion:

Recommendation 1

The Standing Committee on Finance recommends that the government examine the issue of resupply across the entire Arctic and that the Department of Transportation assume the lead role for planning, design and implementation.

Madam Speaker, that concludes the report of the Standing Committee on Finance on its review of the 1995-96 capital estimates.

Motion To Receive And Move Committee Report 10-12(6) To Committee Of The Whole, Carried

Therefore, I move, seconded by the honourable Member for Nahendeh, Mr. Antoine, that the report of the Standing Committee on Finance on its review of the 1995-96 capital estimates, 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? Thank you. All those opposed? Motion is carried.

---Carried

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Item 12, reports of standing and special committees. Item 13, reports of committees on the review of bills. Item 14, tabling of documents. Item 15, notices of motion. Item 16, notices of motions for first reading of bills. Madam Premier.

HON. NELLIE COURNOYEA:

Madam Speaker, I wish to return to tabling of documents.

MADAM SPEAKER:

Thank you. Madam Premier is requesting unanimous consent to return to Item 14, tabling of documents. Are there any nays? There are no nays. Item 14, tabling of documents. Madam Premier.

REVERT TO ITEM 14: TABLING OF DOCUMENTS

HON. NELLIE COURNOYEA:

Madam Speaker, I wish to table, Tabled Document 30-12(6), The Annual Report of the Status of Women Council of the Northwest Territories for the Year Ending March 31, 1994.

MADAM SPEAKER:

Thank you. Item 15, notices of motion. Item 16, notices of motions for first reading of bills. Item 17, motions. Item 18, first reading of bills. Item 19, second reading of bills. Item 20, 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; Tabled Document 23-12(6), Report of the 1993-94 Electoral District Boundaries Commission, Northwest Territories; Minister's Statement 11-12(6), Return to Session; Committee Report 6-12(6), Report on the Review of Bill 3 - Guardianship and Trusteeship Act; Committee Report 7-12(6), Report on the Review of Bill 7 - An Act to Amend the Arctic College Act; Committee Report 9-12(6), Investing In Our Future, October 1994; Bill 1, Appropriation Act, No. 1, 1995-96; 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, Arctic College Act; and Bill 8, An Act to Amend the Public Utilities Act, with Mr. Whitford in the chair.

ITEM 20: CONSIDERATION IN COMMITTEE OF THE WHOLE OF BILLS AND OTHER MATTERS

CHAIRMAN (Mr. Whitford):

The committee will now come to order. When we concluded yesterday afternoon, we were on general comments on Bill 6, Access to Information and Protection of Privacy Act. What is the wish of the

committee today? The chair recognizes the Member from Natilikmiot, Mr. Ningark.

MR. NINGARK:

Thank you, Mr. Chairman. I would like to recommend that we continue with Bill 6, Access to Information and Protection of Privacy Act, and if we are able to conclude Bill 6, then we could move on to Committee Report 7-12(6), Report on the Review of Bill 7 - An Act to Amend the Arctic College Act and subsequently Bill 7, An Act to Amend the Arctic College Act. Thank you.

CHAIRMAN (Mr. Whitford):

Thank you, Mr. Ningark. Does the committee agree?

SOME HON. MEMBERS:

Agreed.

---Agreed

CHAIRMAN (Mr. Whitford):

Then we shall continue on with Bill 6, Access to Information and Protection of Privacy Act and general comments on Bill 6. My apologies, would the Minister wish to bring witnesses to the table? Does the committee agree?

SOME HON. MEMBERS:

Agreed.

---Agreed

CHAIRMAN (Mr. Whitford):

Sergeant-at-Arms, assist the Minister in obtaining his witnesses.

Bill 6, Access to Information and Protection of Privacy Act

CHAIRMAN (Mr. Whitford):

Thank you, Sergeant-at-Arms. Mr. Minister, would you be so kind as to introduce your witnesses to the committee?

HON. STEPHEN KAKFWI:

Thank you, Mr. Chairman. On my left, the deputy minister of Justice, Don Avison; on my immediate right is Mark Aitken, legal counsel from the legislative

division and on his right is Gerald Sutton, director of policy for the Department of Justice. Thank you.

CHAIRMAN (Mr. Whitford):

Thank you, Mr. Minister. Bill 6, general comments. The honourable Member for Deh Cho, Mr. Gargan.

General Comments

MR. GARGAN:

Thank you, Mr. Chairman. At this time, I just wanted to take the opportunity to recognize one of the pages here, if I may, Mr. Chairman. I would like Members to recognize James T'Seleie. James, do you want to stand up?

---Applause

James is Mr. John T'Seleie's son. He is 13 and is in grade 8 at the Range Lake North School in Yellowknife. Thank you.

---Applause

CHAIRMAN (Mr. Whitford):

Thank you, Mr. Gargan. You see, the Access to Information Act is already working.

---Laughter

Welcome Mr. T'Seleie. Bill 6, general comments. The chair recognizes the honourable Member for Natilikmiot, Mr. Ningark, then Mr. Allooloo.

MR. NINGARK:

Thank you, Mr. Chairman. Mr. Chairman, I have a very brief comment about Bill 6. I am part of the Standing Committee on Legislation. We reviewed the bill very thoroughly. We had witnesses appear before the standing committee. I, as a Member of that committee, supported the bill. However, Mr. Chairman, I agree with my colleagues Mr. Arvaluk and Mr. Patterson on some of the more urgent needs in the eastern Arctic and I'm sure, as well, in the western Arctic.

Mr. Chairman, Gjoa Haven needs a home for elders. We need safe shelters for battered women in some of the communities. We need, Mr. Chairman, access roads to hunting areas in the eastern/Arctic. I'm

sure some communities need access roads to hunting areas in the western Arctic as well.

Mr. Chairman, there are needy people in this jurisdiction, people living off welfare in some of the more remote communities where the cost of living is very, very high; not only in the eastern Arctic but in remote communities of the western Arctic. We heard that the government built winter roads in the eastern Arctic in accessible communities during the summer. I'm sure the cost of living is very high in those communities.

Mr. Chairman, maybe 15 years ago, finding funding for new endeavours by this government would have been something we could have done. But, now things are getting harder, time are hard, and resources are getting smaller and smaller, not only on a yearly basis but as well on a bi-yearly basis.

Mr. Chairman, I believe in open government. I believe in a government that is accountable to the people. Mr. Chairman, the few people who talked to me about accessing information from this government are the people from the business community in my region. Sometimes, they wanted to know why a particular contract was awarded to a particular contractor in the community or outside of the community. Sometimes, they wanted to know what decisions were made by this government not while we were in session -- they hear what is going on during session; they see us operating in session -- but between sessions.

I believe that making information more accessible to the public will help the public but, as Mr. Patterson indicated yesterday -- very eloquently -- and Mr. Arvaluk and other Members, times are difficult. There are real needs out there and people who are at a disadvantage in the small communities. When I speak, I would like to think that I speak not only for my people but for people across the territories, although mainly for people in small communities in the eastern Arctic. I travelled to the western Arctic with my eastern colleagues. I have seen similar situations that I have seen back home.

If there are resources within the Department of Justice, I will concur with my colleagues, as an elected Member and also as a Member of the Standing Committee on Legislation, that this is a good thing. People want to know what is going on in the system. There are cries out there that people want open government. We are an open government. When we deliberate in the House, we do that in front

of a camera and the public knows what is going on. But, there are times, Mr. Chairman, when even politicians are not able to travel to communities. It may be because of the weather, because of other commitments, or because we don't have enough funds in our travel allowance.

This may not be the right time to do it. There are other needs in the system. But, as a responsible elected Member, I think access to information is what the public wants now and I will be supporting the bill. Thank you.

CHAIRMAN (Mr. Whitford):

Thank you, Mr. Ningark. General comments. The honourable Member for Amittuq, Mr. Allooloo.

MR. ALLOOLOO:

Thank you, Mr. Chairman. The concept of this act, the Access to Information and Protection of Privacy Act, is a very good one. It is an act this Legislature has been working on for a number of years. I agree with the concept. But, I don't fully agree with the way the act is written and, in listening to the Minister who has appeared before the committee, I don't agree with what the government is going to do in terms of making information available to the people of the Northwest Territories.

For one thing, the Minister has stated -- and it also says this in the act, I believe -- that information should be available equally to all people in the Northwest Territories. It is not going to be, since the Minister and the department have said that if the information being requested is in English only and the person requesting it is a unilingual Inuk person from my community, that person will not be given an Inuktitut document, if that information is not translated. If the person wants it translated, he has to pay a fee. That access is not equal to everybody else's, in my mind.

Also, there are quite a few people of the western Arctic who are not able to read English or their language, because their language is not written or it is written, but they can not use the written form to get information. There is a clause in here which I don't get. It is under record document. It says

"Record means a record of information in any form and includes information that is written, photographed, recorded or stored in any manner." So far, so good. Then it says "But does not include a computer program or other mechanism that produces

the record." Before hand, it said they'll use any kind of written, photographed, recorded and stored in any manner, then later on says no. I don't understand that. Does that mean if the information is recorded on tape or video tape, its not acceptable under this act? Or does that clause say the information is only available in written form or photographed? I don't quite get that clause. Before I go on, I have a few more. Maybe I could get more clarification on that interpretation section. Thank you.

CHAIRMAN (Mr. Whitford):

Thank you, Mr. Allooloo. The question is addressed to the Minister and his officials and I think you're dealing with the item on page 3 of the bill, probably section 2 or clause 2. Mr. Minister.

HON. STEPHEN KAKFWI:

Mr. Chairman, could we ask if we can deal with the specific suggestions during the clause-by-clause?

CHAIRMAN (Mr. Whitford):

Thank you, Mr. Minister. We have a point of order here from Mr. Zoe. Mr. Zoe.

Point Of Order

MR. ZOE:

Mr. Chairman, if my recollection is right, my point of order is that we are dealing with Bill 6. I realize the Member is making reference to a specific clause. I wonder if the chair could request that those types of specifics could be dealt with at a corporate time when we go clause by clause, because we are on general comments at this particular point. Thank you.

CHAIRMAN (Mr. Whitford):

Thank you, Mr. Zoe. My understanding is we are dealing with general comments. The general comments encompass the whole bill. It could include specifics and I recognize the fact that they can be dealt with at different points in time. If the Minister wishes to respond to that, I think the Member has a right to clarify certain things before he continues on if

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It would...The Minister may wish to wait until we get to that particular point in the clause-by-clause. Mr. Minister.

HON. STEPHEN KAKFWI:

Mr. Chairman, as I said, we have an amendment we're going to recommend at the appropriate time, which would address the translation of records and the issue of whether or not there would be a fee for such translation. We have a suggested amendment to clause 7, but as I say, I don't want to start visiting specific clauses now, then go back and visit them. We'll just take an orderly approach to it.

CHAIRMAN (Mr. Whitford):

Thank you, Mr. Minister. Mr. Allooloo.

MR. ALLOOLOO:

Mr. Chairman, yes, I would agree that for specific concerns, I am willing to wait until we get into those areas. On the general comments, I would like to point out areas that I have a concern over. That's the one I'm concerned about and I don't understand that section of the interpretation. At the beginning it sounds like, "'Record' means a record of information in any form and includes information that is written, photographed, recorded or stored in any manner..." But later on, it says, "...but does not include a computer program or other mechanism that produces records." To me, that's taping using a cassette tape recorder or video tapes, that sort of thing. I don't understand the section. Maybe when they get into the clause-by-clause, that could be explained to me.

Also in section 4(2), the bill says it prevails over any other act. That concerns me a little bit. We have really good acts that people of the NWT are able to use such as the Official Languages Act which helps the aboriginal people to get information or to use their language to get information from the government. Under this section, it says that if a provision of this act is inconsistent or in conflict with the provision of another act, the provision of this act prevails unless the other act expressly provides that it, or a provision of it, prevails notwithstanding this act. To me, that means the act which is to prevail, has to make reference to this act. Since this bill is new, none of the acts we are able to pass in this Legislature makes any reference to this act.

My concern is if all the good acts we have that help the people of the NWT conflict with this bill after it becomes an act, they are no longer effective. The government will use this to interpret what has to be done because it prevails in the other act. That's my area of concern, as well.

Also to me, what's the legal word you use, "ultra vires"? To me, that's an ultra vires clause because our language...I'm just thinking of the Official Languages Act, and the Wildlife Act; especially the language act which is protected by the NWT Act. It's under the NWT Act. This Legislature cannot, to my understanding, change it unless the federal government says we can. It's our constitution. This act, if it passes the way it is, overrides our constitution. I don't agree.

Also, one of the questions I'm going to ask when we're going through clause by clause -- because this act prevails over any other act within our power -- is if the government has done any research. What sort of acts are affected by this act because it overrides any other act? I don't know if they have, but maybe they will tell us.

Mr. Chairman, the area of concern I touched on a little bit was for people who cannot read and will not have access to information the government provides, because they cannot read. They are called illiterate, I believe. Mr. Minister will probably correct me when we get to clause 7, and will explain what the records are, such as tapes, video tapes, and that sort of thing.

But, I believe this act will be used by the media. They can use this act to let the people of the Northwest Territories know about certain things. The media could access that information, without people asking for it, after this is passed.

Mr. Chairman, this act also does not make a provision for confidential complaints. Let's say if an access or privacy Commissioner is appointed, and there are people out there making complaints to him/her, would the public be able to get the names of those people? Those areas are not explained in this bill, whether people will be able to get that information.

When we get to specific areas, I will raise those concerns again, Mr. Chairman.

CHAIRMAN (Mr. Whitford):

Thank you, Mr. Allooloo. Any further general comments? The chair recognizes the honourable Member for Kivallivik, Mr. Arvaluk.

MR. ARVALUK:

Thank you, Mr. Chairman. From Aivilik, for the record.

---Laughter

Thank you, Mr. Chairman. I'm not convinced about the effectiveness or of low potential costs of this bill, as we have discussed this over the past couple of days. Even now, the Minister is saying there may be a proposition to amend the bill which would allow for translation. How many other hidden costs will there be? Translation is very important and other O and M needs will probably be very important, too, but they are still costs in implementing this bill.

In my approximately, 25 years with the public service, I have had experience with land claims and cultural preservation programs. I have seen the evolution of my people from outpost camps to modern communities, with their aspirations to govern their own lands with laws initiated by them. That is their desire. Most of us remember this from the early 1970s. This is 1994.

It has been almost 25 years that we have been active in promoting self-government for Nunavut. Before that, there were complaints about the laws made for them. There were big differences between the laws, the constitution, regulations and government orders -- or directives, they call them -- from the Minister of Indian Affairs. You could transport northern Quebec people to Resolute Bay and Grise Fiord. There was

the building of low-rental, prefabricated houses, or matchboxes, for people, however the government saw fit.

The Inuit, especially, have witnessed many laws. They didn't understand them and didn't find them relevant. Because of that, the Inuit worked very

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hard to achieve land claim agreements and the Nunavut Act with Bill C-28. By 1999, the Nunavut Act will finally allow Nunavut residents to initiate laws that pertain to them and that are important to them.

This Legislative Assembly, I feel, has a responsibility to respect the spirit of the Nunavut Act by introducing bills that are of urgent necessity, not of popular political view. They should be practical, financially-responsible bills, such as Bill 1, Bill 7, Bill 8, Bill 4, Bill 9, Bill 11, and Bill 12. These are important today. We all support them. These are money bills, most of them, that we must introduce and pass. If we don't, we are not looking after the people we represent.

But, this Bill 6, if it is passed, is putting down what is in the Nunavut Act. I am part of that race and they

are not very aggressive when it comes to finding out the nitty gritty of how the government operates, the nitty gritty files that the government may have. What they want to have is a more holistic approach. They want to have a better lifestyle, with better education, social programs and economic development.

I don't feel very comfortable in pretending to represent the people of Nunavut by allowing this bill to proceed the way it is. Mr. Chairman, with that comment, I would like to ask a question of the Minister. I'm not trying to get into a specific clause here, and if it is too specific, I can wait. Because I'm not sure, I think I will ask. My question is, is it the intent that this bill will become part of the laws of Nunavut if it is passed by the Legislative Assembly?

CHAIRMAN (Mr. Whitford):

Thank you, Mr. Arvaluk. General comments on the bill. Mr. Minister, there was a question about the extent of this bill. Are you prepared to answer it?

HON. STEPHEN KAKFWI:

Mr. Chairman, it is my understanding that when this Legislature passes laws, it is for east and west, and they will be in effect as of the date when they are stated to be so.

CHAIRMAN (Mr. Whitford):

Thank you, Mr. Minister. Mr. Arvaluk.

MR. ARVALUK:

Thank you, Mr. Chairman. Then, do I understand that the Minister is stating that this will be inherited by the Nunavut government in 1999?

CHAIRMAN (Mr. Whitford):

I think the Minister did answer the question, but, Mr. Minister.

HON. STEPHEN KAKFWI:

Mr. Chairman, the laws that we have now are all on the books and will be in effect in Nunavut and in the west, unless the new legislatures take specific action to change or repeal them.

CHAIRMAN (Mr. Whitford):

Thank you, Mr. Minister. Mr. Arvaluk.

MR. ARVALUK:

Thank you, Mr. Chairman. I appreciate the answer. That clarifies it for me. But how many laws in this country or any other country have been easily repealed or changed after they've been implemented for some time? Just a comment, Mr. Chairman. It's so difficult, it's impractical. Thank you.

CHAIRMAN (Mr. Whitford):

Thank you, Mr. Arvaluk. General comments. Mr. Ningark and then Mr. Patterson.

MR. NINGARK:

Thank you, Mr. Chairman. Mr. Chairman, we are maybe making history here. In the past, we have heard the public talking about not having access to information of this particular jurisdiction. The act is so important we hear from some of the Members that the cost is secondary. But we should also realize that if we're going to have an Access to Information Act in the system, we should provide full service to the public who requires information from the government, not only to the population of the NWT who speak English and French. It would provide only partial service to the unilingual Dene and Inuit. I see some unfairness of the system.

If the act is so important, the public seems to want it, there's an outcry out there that we must be prepared to give full service to everyone, unilingual Dene, unilingual Inuit. We must be prepared to pay the cost of translation, interpretation, of providing a staff member at the government which the public may go through to enquire about information if it's important enough for us to be able to provide full service to those who are not able to speak English and French. It's not a question that I'm asking the Minister, but I am asking the Members of the Legislative Assembly. This is very important. We must be prepared to do that. Thank you.

CHAIRMAN (Mr. Whitford):

Thank you, Mr. Ningark. Any further general comments? Mr. Patterson.

MR. PATTERSON:

Thank you, Mr. Chairman. Mr. Chairman, after yesterday's vote on deferring the bill, I think it's clear that there is support by a majority of Members for this bill and the principles behind it. Since I accept that, I guess what I would now like to pursue is really

whether this bill is going to do the job and meet the expectations of the honourable Members.

Mr. Chairman, just at a quick glance in looking at the whole bill, it's a total of 44 pages in length, in the reprinted version. I just quickly added up the pages of the bill that deal with exceptions and qualifications on access to information -- division B is 13 pages. Then I added up the three pages that protest the disclosure of personal information and that's another three pages. Sixteen pages of this bill -- and I'm generalizing here, but I think 16 pages of this bill -- contain exceptions and qualifications on access to information.

I guess, Mr. Chairman, I'm starting to wonder whether there aren't some very large, gaping loopholes in the bill through which one could drive the proverbial Mack truck. For example, Mr. Chairman, I heard Mr. Gargan quite properly describing yesterday the importance to his constituents of knowing why they didn't get a job. I believe there's a section in the bill that says if there's a character reference provided in an employment situation, like an unfavourable character reference, that information you cannot get. So if Mr. Gargan's constituent lost a job because some person did not give a favourable character reference to that constituent, the constituent would not be entitled to get that information.

Similarly, there's a section in the bill that says if personal information is considered in determining eligibility for social assistance, then that information, if it's requested under a request for access to information, is privileged and private.

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The other example Mr. Gargan gave, I believe, which was would someone be entitled to know why a person was refused social assistance, or eligibility for student financial assistance, legal aid or other social benefits. That refusal was based on personal information about eligibility and that information could not be obtained.

Similarly, Mr. Chairman, I believe that such subjects as the details of the assets of persons or corporations who apply for government assistance, loans or other government programs would also be exempt from public scrutiny.

Another section that I noted in my quick perusal of the bill says that information may be refused where it could reasonably be expected to harm the economic

interest of the Government of the Northwest Territories.

Mr. Chairman, that seems to me to be a very general kind of concept. I find myself wondering if questions are being asked which would lead to the economic prejudice of the Government of the Northwest Territories, which would suggest that the Government of the Northwest Territories could suffer financial loss or otherwise be embarrassed in contractual or other relations. This information could be refused. It is in that area that our business community is particularly interested in looking for mistakes, oversights, errors or poor judgement on the part of officers of the Government of the Northwest Territories.

So I guess, Mr. Chairman, my general comment here now -- and I realize we'll have an opportunity for questions as we go through the bill -- is if we're going to buy this bill -- the majority of Members indicated yesterday their support for this bill -- then let us be clear that we're getting what we think we're getting. That we're going to be able to find out why we didn't get a job and we're going to be able to find out why we were refused for social assistance. We're going to be able to find out details of contract awards and tenders, and loans and grants. None of which, I think, may be easily assessable according to the 16 pages of qualifications and exceptions in this 44-page bill.

I'm no longer an active lawyer, and my understanding of these sections may be incorrect. It may be firmly on the side of the citizen, and the government's interest in protecting itself and avoiding embarrassment may be minimal here. But on the face of it, it looks like this bill is chock-full of exceptions, qualifications, exemptions and protection of privacy. I guess I'm starting to wonder, if we're going to go ahead with this bill, how many teeth is there in it? How much real right is the individual given to access information and to find out what's going on?

I again repeat that some of the good reasons I have heard from Members of this Assembly about things like jobs, applications for government programs, business activities and activities in the commercial side of the Government of the Northwest Territories may well be beyond our reach as citizens. So I guess I am now starting to question, Mr. Chairman, even though this bill is going to go ahead, do we have a bill that is so qualified, protected and accepted that, in fact, we have something that is not going to achieve the lofty purposes that had been hoped for by those who supported it being brought forward? Thank you.

CHAIRMAN (Mr. Whitford):

Thank you, Mr. Patterson. If there are no further general comments, does the committee agree that we go clause by clause? The chair recognizes, for general comments, Mr. Gargan.

MR. GARGAN:

Yes, just one final comment with regard to what Dennis was saying. It's in section 22 and also 23, but it's also where it has to protect third-party interests. One of the things that I want to say, Mr. Chairman, is that I have never worked as a public servant or even as a Minister and, naturally, if this act itself comes into force, it would mean that anybody serving in government can't be exposed in the year 1982. It's two years before it comes into force. So I would think for anybody who has been a public servant and has to make a decision that they might have a concern about, in 15 years they could be exposed to what could be detrimental to them or to their careers.

So I can see where some of the Members might not support the bill but would be concerned about the waiting period of less than 25 years. I think we have agreed on a reasonable rate of about 15 years. That has been the point. I just thought that I would let you know that as far as the bill goes, I don't think I have anything to be concerned about, but maybe some other Members do.

CHAIRMAN (Mr. Whitford):

Thank you, Mr. Gargan. We have a point of order. Mr. Patterson.

Point Of Order

MR. PATTERSON:

Mr. Chairman, I think the rules prohibit a Member from imputing motives to another Member, and I would request that you consider whether Mr. Gargan's comments are imputing a motive to Members who may have had questions about this bill. If you would like, Mr. Chairman, I will spell it out. What I take from Mr. Gargan's comments is that there is a suggestion that in questioning the provisions of this bill, a Member who may have been on a Cabinet that considered decisions prior to 1982 may be afraid that there will be some embarrassing disclosures. I would like to suggest that kind of imputation of motive is outside the rules of this House and that the Member should be requested to withdraw that accusation, that allegation. Thank you.

CHAIRMAN (Mr. Whitford):

Thank you, Mr. Patterson. I heard the presentation that Mr. Gargan made, and I didn't quite get the same message. However, on the point of order, if anybody else wants to speak to the point of order, you have the opportunity to do so. To the point of order. Mr. Minister.

HON. STEPHEN KAKFWI:

Mr. Chairman, during the discussion with the Standing Committee on Legislation, there were some references made to, for instance -- I can't remember exactly how it was worded -- but the impression that I was left with was what is a comfortable period of time. For instance, Cabinet decisions should be protected. There was a debate between five and 25 years, and I think we had agreed to go with a clause that said 15 years. I think that is about the maximum length of time any human could endure ministerial duty.

---Laughter

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Just judging from the performance and years served on Cabinet by previous Ministers, that should be the extent to which a Minister should expect to be protected from disclosures that could affect their current performance. That is, there is no protection expected to be given to Cabinet Ministers after they have left office, indefinitely. The records will be protected for 15 years. That is what was mentioned.

So, in regard to this particular point of order that Mr. Gargan is speaking to, it was raised in the Standing Committee on Legislation and is addressed by a specific clause, I think, in this bill. So, it was not a trap. I think -- well, there was, if you want to put some humour into it. We were threatened with having disclosure after five years, but we were asked, is that something comfortable, because we had come forward with 25, and I think we had settled, as small "I" Liberals usually do, with a compromise of 15, and that left everyone equally unhappy. Thank you.

CHAIRMAN (Mr. Whitford):

Thank you, Mr. Minister. I think the recollection is that it was three terms, with an election every four years, plus a few little years there to make it a little bit more palatable. To the point of order. Mr. Gargan had his hand up.

MR. GARGAN:

I have made reference to clause 14 with regard to the 15 years on the amended version, but, again, it was based on consulting with the department about what they felt was a safe number without really defeating the real intent of the bill. I think 15 years came up as a fairly safe number that might not be such a threat to people who may have worked in government or in the Executive.

CHAIRMAN (Mr. Whitford):

Thank you. To the point of order. The chair recognizes Mr. Patterson.

MR. PATTERSON:

Mr. Chairman, Mr. Gargan is making my point for me again. He is suggesting that the provisions in this bill which would open Cabinet decisions after 15 years are threatening to some honourable Members. Now, Mr. Chairman, since the remarks were made shortly after my comments questioning the bill, since I was in Cabinet in 1982 and 1981, I am suggesting that Mr. Gargan is imputing a motive to me, namely, that I am opposing this bill because I have something to hide and I am afraid of what might come out if decisions made during my tenure in Cabinet are revealed. I resent that, Mr. Chairman. The thought has not come into my head. It has taken no part in my consideration of this bill, and I think, and I'll say it again, with respect, I believe that the honourable Member is imputing a motive which is against the rules of this House. I made my points with no reference to previous Cabinet decisions. I didn't discuss the subject, nor was it even in my head.

My point of order, Mr. Chairman is, that that's imputing a motive, suggesting a motive that wasn't there and then there's no evidence to allege that motive and I think you should rule that those kinds of remarks are not appropriate in debate in this House and that they should be struck from the record.

CHAIRMAN (Mr. Whitford):

Thank you, Mr. Patterson. To the point of order, I think this debate probably could go on for quite some time. I think I shall...The chair will recognize one more point from Mr. Gargan.

MR. GARGAN:

Mr. Chairman, I'll withdraw that comment from the record. I'll rephrase my question when it comes to that clause.

CHAIRMAN (Mr. Whitford):

Thank you. To the point of order. Mr. Patterson, would that suffice?

MR. PATTERSON:

Yes, I'd like to thank my honourable colleague for his gracious remarks. Thank you.

Clause By Clause

CHAIRMAN (Mr. Whitford):

Thank you. See? Consensus government is working. If there aren't any further general comments, does the committee agree we proceed clause by clause? I know we have to start with clause 1, I have to find it here. Okay. Clause 1.

SOME HON. MEMBERS:

Agreed.

---Agreed

CHAIRMAN (Mr. Whitford):

Clause 2.

SOME HON. MEMBERS:

Agreed.

---Agreed

CHAIRMAN (Mr. Whitford):

The chair recognizes the Member for Amittuq, Mr. Allooloo.

MR. ALLOOLOO:

Thank you, Mr. Chairman. Could I get interpretation of this part of clause 2, page 3? I don't understand the section I outlined before, "'Record' means a record of information in any form and includes information that is written, photographed, recorded or stored in any manner..." Then it goes on to say, "...but does not include a computer program or other mechanism that produces records." Does it mean

that the information that any person will be getting from the government is going to be written only, since the clause says the records cannot be produced mechanically or recorded? I don't understand that section.

CHAIRMAN (Mr. Whitford):

Thank you, Mr. Allooloo. We'll seek clarification from the Minister. Minister Kakfwi.

HON. STEPHEN KAKFWI:

Yes, Mr. Chairman. What it means is that the program itself, which is purchased or accessed by the government because it has a dollar value, cannot be accessed and taken home to have for yourself. You have to pay for it. It's good. It has some value, like WordPerfect. But the documents contained within that computer program are accessible. That's what it means. So it's not withholding any information. It's just saying you can't have a computer program because generally you have to buy it.

CHAIRMAN (Mr. Whitford):

Thank you, Mr. Minister. I don't think Hansard recorded the last part of your comments, Mr. Minister. Would you care to repeat them?

HON. STEPHEN KAKFWI:

Yes, Mr. Chairman. I was just trying to illustrate that you can't have the filing cabinet, but you can have access to some of the files. That's basically what it means. Thank you.

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CHAIRMAN (Mr. Whitford):

Thank you, Mr. Kakfwi. Mr. Allooloo.

MR. ALLOOLOO:

Thank you, Mr. Chairman. It started out as a really good statement, "in any form and includes information that is written, photographed, recorded..." Does that mean I could go to the government and ask for a tape since I cannot read or write? Could I ask the government for a taped section of the information I would like to get? On video, or cassette, that sort of thing.

CHAIRMAN (Mr. Whitford):

Thank you, Mr. Alloo. Minister Kakfwi.

HON. STEPHEN KAKFWI:

Mr. Chairman, there is nothing in here that prevents the government from providing this information in the form most suitable. For example, for the questions, if they're requested in one of the official languages, they may be requested in the form of a disc or a cassette. There's nothing that prevents that. In fact, I think one of the amendments we'll deal with in regard to translation may give some assurance of that.

CHAIRMAN (Mr. Whitford):

Thank you, Mr. Minister. Clause 2.

SOME HON. MEMBERS:

Agreed.

---Agreed

CHAIRMAN (Mr. Whitford):

Clause 3.

SOME HON. MEMBERS:

Agreed.

---Agreed

CHAIRMAN (Mr. Whitford):

The chair recognizes Mr. Patterson.

MR. PATTERSON:

Mr. Chairman, I guess when the whole issue of this bill first came forward in the last Assembly, I questioned whether a bill of this kind would limit the rights, powers and privileges of a Member of the Legislative Assembly to seek information in the House, in committee and in other ways. There are qualifications in section 3(2), which spell out that the act doesn't replace other access rights, but there's no reference whatsoever to the powers and privileges of an MLA to seek information, for example, by asking questions in a standing committee meeting, by asking for information in the Public Accounts committee or by asking questions in the Legislative Assembly.

I note that parts of the act, in section 17, say you can't get information about contractual or other negotiations

of the Government of the Northwest Territories. I'd like to ask the Minister, if I ask questions now in the Legislature about contractual or other negotiations of the Government of the Northwest Territories -- like the Arctic A airport negotiations that are under way right now or the health billings dispute or the negotiations to transfer other responsibilities to the government -- would I be told by a Minister, I'm sorry, I'd love to answer that but it's an exception under the Access to Information Act, it will prejudice the economic interest of the Government of the Northwest Territories, if you want that information, you can't ask for it here.

I'd like to ask the Minister, why is there no protection in section 3(2) for the powers and privileges of a Member of the Legislative Assembly. Thank you.

CHAIRMAN (Mr. Whitford):

Thank you, Mr. Patterson. Minister Kakfwi.

HON. STEPHEN KAKFWI:

Mr. Chairman, I'm not certain if the Member is asking for a specific clause to be in there that says this act in no way limits or hinders or reduces the present access that Members of this Legislature have to information of the government under current practice. I understand that what it says is that the act is in addition to, and does not replace, existing procedures for access to government information or records. It is generic, but it means that this act is intended to enhance access to government information and, in no way, replaces current procedures in place for accessing information, which includes MLAs.

CHAIRMAN (Mr. Whitford):

Thank you, Minister Kakfwi. Mr. Patterson.

MR. PATTERSON:

But, Mr. Chairman, that's my point. It doesn't include MLAs. Part 3(2), a to e, talks about existing procedures. In part b, it talks about access normally available to the public; it talks about information available in part to legal proceedings in part c, it talks about not affecting the powers of a court to compel a witness; it talks about not prohibiting the storage or transfer or destruction of records, but it does not say that it doesn't limit the powers and privileges of an MLA.

I was hoping to see it in there. The Minister tells me it is in there, but I don't see it. I don't think we come under the category of processes normally available to

the public. I'm talking about the privileges that we have, as Members of the Legislative Assembly, and as committee Members, which are greater than those of an ordinary citizen and include, in the case of committees, the power to compel government bureaucrats and Ministers to account before those committees, particularly in areas of accounts with the Standing Committee on Public Accounts.

With respect, I don't see that protection there. I was hoping it might be there. If it is not there, the Minister is right, I wonder whether it should be put in there. Because, frankly, I don't want to stand up in question period and be told, well, I'm sorry, I can't answer this question because it is an exception under the Access to Information Act. You can't ask that because it prejudices the economic interests of the Northwest Territories. I don't think we want to erode MLA privileges in that regard with this act. I'm sure other Members will agree with me on that.

So, Mr. Chairman, I will ask again. If it is in here, where is it? I don't see it. Thank you.

CHAIRMAN (Mr. Whitford):

Thank you, Mr. Patterson. I shall endeavour to get the Minister to answer your question. Mr. Minister.

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HON. STEPHEN KAKFWI:

Mr. Chairman, the rules of the House already provide that Ministers don't have to answer questions if they don't want to. They are not compelled to answer questions. I know what the Member's point is. All I've said is that I know it doesn't specifically address the concerns the Member raises, but there is a generic clause in here that protects existing procedures for access. That, I'm told, includes the access that MLAs have through their work and committee procedures for accessing information.

That's what I'm told. I don't know what the Member is suggesting. Whether he wants something specific drafted to address his concerns, I don't think it's necessary because it is already taken care of.

CHAIRMAN (Mr. Whitford):

Thank you, Mr. Minister. Mr. Patterson, does that help?

MR. PATTERSON:

Thank you, Mr. Chairman. These are comforting words. The great body of rights and privileges embodied in parliamentary procedure over hundreds of years of the evolution of parliamentary democracy is carefully protected in clause 3(2)(a) under existing procedures. Frankly, that is not much comfort to me, Mr. Chairman.

I guess I would like to ask our legal advisor, in case the phrase "existing procedures" does not clearly preserve the rights and privileges of an MLA in a Legislature and in committee, could the bill be improved -- if that's the clear intention of the government -- by adding (f) which spells out that this bill does not, in any way, limit the powers and privileges of a Member of the Legislative Assembly of the Northwest Territories? My question is, would that kind of provision give more assurance, the kind of assurance I'm seeking, and would it, in any way, go against the spirit of this bill and the spirit of this section, if such a subsection would be added. Just to give me a little bit of comfort?

Mr. Kakfwi is very clear that everything's okay, but I think parliamentarians' privileges are not to be trifled with and I would like a little more assurance than being told, oh, you fit into "existing procedures," don't worry. That is not enough comfort for me, Mr. Chairman. Would a specific clause, spelling out that parliamentary privilege is not prejudiced, appropriately fit into the spirit of this subsection? Thank you.

CHAIRMAN (Mr. Whitford):

Thank you, Mr. Patterson. I shall direct that question to our legal advisor, Ms. MacPherson.

LAW CLERK (Ms. MacPherson):

Thank you, Mr. Chairman. Certainly, the addition of that type of clause would make it very clear that the privileges of an MLA are not to be affected by this act. I think that there is a very good argument to be made that that does exist in the current wording of section 3(2)(a), but the addition of the amendment would make it very clear.

I should note, however, that it is not part of the privilege of an MLA to force the government to give information; it is just a part of the privileges to be in a position to ask the government for that type of information. Then, Mr. Patterson asked if it would

offend the spirit of the act. I don't believe it would offend the spirit or purpose of the act.

CHAIRMAN (Mr. Whitford):

Thank you, Ms. MacPherson. Clause 3. The chair recognizes Mr. Allooloo.

MR. ALLOOLOO:

I was ahead of myself, sorry. I will wait until the next clause.

CHAIRMAN (Mr. Whitford):

Okay, clause 3.

SOME HON. MEMBERS:

Agreed.

---Agreed

CHAIRMAN (Mr. Whitford):

We have agreement. Clause 4. The chair recognizes Mr. Allooloo.

MR. ALLOOLOO:

Thank you, Mr. Chairman. As I said before, clause 4(2) says that, "If the provision of this act is inconsistent or in conflict with a provision of another act, the provision of this act prevails unless the other act expressly provides that it, or a provision of it, prevails notwithstanding this act."

My understanding is that if we have an act that conflicts with this act, then this act wins. Is my understanding correct?

CHAIRMAN (Mr. Whitford):

Thank you, Mr. Allooloo. I shall direct that question to the Minister. Mr. Minister.

HON. STEPHEN KAKFWI:

Thank you, Mr. Chairman. Mr. Mark Aitken will respond to that question.

CHAIRMAN (Mr. Whitford):

Thank you, Mr. Minister. Mr. Aitken, please.

MR. AITKEN:

Thank you, Mr. Chairman. The Member is right. Once this particular subsection comes into force, which will be two years after the rest of the act comes into force, this act will prevail over any other act to the extent of any inconsistency between the two acts. However, it only prevails over other acts where there is, in fact, an inconsistency in the two acts. I would anticipate that many of those inconsistencies will, in fact, be dealt with by amendment in the period leading up to the coming into force of subsection 4.2.

CHAIRMAN (Mr. Whitford):

Thank you. Mr. Allooloo.

MR. ALLOOLOO:

Thank you. I presume that we are talking about territorial statutes in this case. One of the acts we are so proud of is the Languages Act, where we are able to make an act that would be used by the public. If there are sections that conflict with this act, which we are so proud of as a people in the Northwest Territories, then would that act be struck down if it conflicts with this one?

CHAIRMAN (Mr. Whitford):

Thank you, Mr. Allooloo. I shall direct that question to the Minister. Mr. Minister.

HON. STEPHEN KAKFWI:

Yes, Mr. Aitken will answer.

MR. AITKEN:

Thank you, Mr. Chairman. If there is an inconsistency between the Official Languages Act and the Access to Information Act with respect to a certain provision, that provision would not be struck down. However, this provision would prevail in respect to that inconsistency and only in respect to that

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inconsistency. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Whitford):

Thank you, Mr. Aitken. Mr. Allooloo.

MR. ALLOOLOO:

Thank you, Mr. Chairman. Then, when it prevails, that act or section of the act is no longer effective and that act would have to be amended. My understanding is that our Languages Act is protected by the Northwest Territories Act which ultimately cannot change in this Legislature alone. It would have to go to the federal government to get changed. With this bill, we don't have to go and ask the federal government for permission to make this kind of legislation. I understand they have a year to strike this kind of deal down if it conflicts with what they call a proper bill, I guess -- I don't know; whatever you call it. How could we make a section in our act that would be stronger than the legislation that is protected by our constitution?

CHAIRMAN (Mr. Whitford):

Thank you, Mr. Allooloo. I will direct the question to the Minister.

HON. STEPHEN KAKFWI:

Mr. Chairman, the point that Mr. Allooloo makes was addressed, I think, by Mr. Aitken, in that, only where there are conflicts does this act prevail. So, the Languages Act, itself, will continue to stand in its entirety. It is just that when the two acts don't mesh, this act will prevail. It gives you a few years to figure out, in the public interest, how to reconcile that.

CHAIRMAN (Mr. Whitford):

Thank you, Mr. Minister. The chair recognizes Mr. Allooloo.

MR. ALLOOLOO:

Okay, I will put it in a little scenario. If the languages act allows me to get certain information from the government and this act doesn't allow me to get that same information, ultimately, this act would win. I would not get the information, right? Or, if I chose to use a certain official language, my understanding is that the working language of this government is English only, according to the government's response from one of their tabled documents. If I have the right to ask the government in my own language, in Inuktitut, which a certain act allows me, if this act doesn't allow me, then I don't get that information in my language. Is that correct?

CHAIRMAN (Mr. Whitford):

Thank you, Mr. Allooloo. Minister Kakfwi.

HON. STEPHEN KAKFWI:

Mr. Chairman, one of the amendments that was asked for -- I think their number 1 recommendation -- is one that we are going to address, and that basically will deal with making sure that, for instance, a deputy minister shall give access to a record in a particular official language as requested by an applicant and to make it available in that official language, and it is just qualified by saying that where the head of a public body or a deputy minister, for instance, considers it in the public interest to have that translation prepared. So, the amendment, when we get to clause 7, I think, will address that and it will even go beyond that to address, suggesting that no fee will be charged for the translation of that record. So, as I say, there is a clause that says, in a point raised by Mr. Patterson earlier, this act is intended to enhance and be an addition to existing procedures in place for accessing government information. It is not to restrict it.

CHAIRMAN (Mr. Whitford):

Thank you, Mr. Kakfwi. The chair continues to recognize Mr. Allooloo.

MR. ALLOOLOO:

Mr. Chairman, my question is not being answered. Let's say that even after the amendments are made, this act prevails over any other act. If I have the right to ask for certain information in a different act, and this act doesn't allow me, then I will not be able to get it in the form that I requested because of this act, right? I am trying to make a point that in that way, my right as an individual that I enjoy today, if it conflicts with this act, then I will not be able to get that information any more. That's my understanding. So this act prevails over any other act that exists today unless the other act expressly provides that it or a portion of it prevails notwithstanding this act. So my understanding is that all the acts and statutes that we have don't make any reference to any part of this act because it's new, none of it.

CHAIRMAN (Mr. Whitford):

Thank you, Mr. Allooloo. I shall pass this on to the Minister and see if we can get some answer to that. Mr. Minister.

HON. STEPHEN KAKFWI:

Mr. Chairman, as I understand it, if a member of the public asks for a copy of Hansard in one of the Denendeh dialects right now, the Official Languages Act doesn't provide that it should be provided in that particular language. The Access to Information legislation, as we have it with the amendment that we are going to propose, will provide for that so I would suggest the Member is not going to see a restriction or a reduction in the level of access that he thinks the Official Languages Act gives. The Official Languages Act gives access right now, but it doesn't greatly enhance it. The amendment we're proposing says if you ask for it and it's available as a public record, then it can be provided in an official language in a form that is useable for the applicant.

CHAIRMAN (Mr. Whitford):

Thank you, Mr. Minister. Mr. Minister.

HON. STEPHEN KAKFWI:

That's a poor example to use in Hansard because it says it is exempt from the act, but I'm just trying to make a point that this act, with the attached amendment, greatly enhances the usability of information that could be accessed by the government for people who want it in the official languages.

Mr. Chairman, a quick way to remedy this, since we seem to be taking a lot of time trying to calm people's fear is Members have direct and ready access to legal counsel right here. I can't seem to be pacifying or alleviating any fears here as a layman lawyer. So why don't they just ask for assurance from their legal counsel? That's what they're there for.

CHAIRMAN (Mr. Whitford):

Thank you, Mr. Minister. The question was directed at yourself. The chair will continue to recognize Mr. Allooloo.

MR. ALLOOLOO:

Thank you, Mr. Chairman. I'll ask our legal adviser on the recommendation of the Minister. Is it my understanding that if I have a right to get certain information in any other act of this government and that act conflicts with this act this would not allow me

to get the same information, this act would win. In fact, I would not be able to get the information I requested.

CHAIRMAN (Mr. Whitford):

Thank you, Mr. Allooloo. I shall direct that question to Ms. MacPherson. Ms. MacPherson.

LAW CLERK (Ms. MacPherson):

Thank you, Mr. Chairman. It's a bit of a difficult question to answer without a specific example of what act you would be referring to. Most of the exceptions to disclosure contained within this legislation are discretionary. In other words, the head of a public body has the discretion whether to release the record or not.

Some of the exceptions to disclosure here are mandatory, for example, personal information of a third party. There's a statement saying you can't disclose personal information if it's going to invade somebody else's privacy. But even that mandatory caveat from disclosure is accepted if the disclosure of that information is authorized by another act of this Legislature.

So it depends on the type of information you would be looking for. I'm not sure if that answers your question. Most of the information is discretionary so it would be difficult for somebody to say you're allowed to have it in another act, and yet there's a discretionary right here. The information that is mandatory, that you cannot disclose, for example, personal information, the exception to that disclosure is if that information is authorized by another act.

I think what we would need is an example in an act saying you're allowed to have information in this act and you're not allowed to have it under the access bill, so that we could compare the two to see if it falls into the categories within the act as either a mandatory or discretionary exception to disclosure.

CHAIRMAN (Mr. Whitford):

Thank you, Ms. MacPherson. Mr. Allooloo.

MR. ALLOOLOO:

Thank you, Mr. Chairman. Then I would ask our legal advisor, is section 4(2) the normal clause in that when we're creating a bill we make certain clauses that prevail over other acts? Thank you.

CHAIRMAN (Mr. Whitford):

Thank you, Mr. Allooloo. Ms. MacPherson.

LAW CLERK (Ms. MacPherson):

This type of clause would be very standard in access to information legislation. It's standard in the type of legislation that's meant to govern across a broad area. Just to make sure you don't accidentally create a conflict, you would do as we've done here, which is give this act priority over other acts. So it is very standard in this type of legislation.

CHAIRMAN (Mr. Whitford):

Thank you, Ms. MacPherson. The chair will now recognize Mr. Arvaluk, then Mr. Zoe.

MR. ARVALUK:

Thank you, Mr. Chairman. The dialogue between Mr. Allooloo and Mr. Kakfwi and Ms. MacPherson's explanation will definitely put zero unemployment to the lawyers of the NWT. That's just a comment, Mr. Chairman. I think it would be very good. We have to put down unemployment and I think we're hitting the wrong people.

Mr. Chairman, like Mr. Allooloo, I find it very difficult as some of these acts are old and have been amended, changed and made more suitable to people of the Northwest Territories. According to Ms. MacPherson, because this is an old typical information act clause, section 4(2)...I don't know...I guess I respect my elders a little bit more than the younger people in terms of experience, accuracy and wisdom, that the older acts sometimes are not perfect at first, but they're amended and changed until it is more acceptable to the majority of the population. At least they'd be a little bit more consistent. This particular section is very new and it's already overriding or prevailing over other acts that are old.

Maybe it's just a misunderstanding. I'm a little leery about the Child Welfare Act, adoption, social assistance, health care that there are exceptions here that some personal stuff will not be released to the public or to the proponent for the information. However, who is going to decide, ultimately maybe the courts, which has more weight -- this new information act overriding the other acts or the other access right protected or other disclosure prohibitions under another act. It confuses me more than a little.

I think, what we'll have to do in this case...I would like to ask the Minister, even if this act overrides or prevails over other acts, is there a plan already by the department to study this further so that grandfathered or older acts are not downplayed by this particular clause?

CHAIRMAN (Mr. Whitford):

Thank you, Mr. Arvaluk. The question is directed to the Minister. Mr. Minister.

HON. STEPHEN KAKFWI:

Mr. Chairman, there are two years before it comes into force and that gives us time to make suggested amendments and changes to other acts to make sure all legislation is consistent. It gives us time to prepare for implementation of this act.

That may mean, for instance, under the Official Languages Act, if Members feel there may be some implied diminishment of the stature of that act, we will review it with the express purpose of assuring Members it is not going to diminish. That is the reason for the two years, and we will make good use of them. Thank you.

CHAIRMAN (Mr. Whitford):

Thank you, Mr. Minister. The honourable Member for North Slave, Mr. Zoe.

MR. ZOE:

Thank you, Mr. Chairman. The Minister just answered the question I was about to ask. Just for Members' benefit, I was going to ask the purpose of the time frame that has been set for the transition. I think the Minister eloquently answered the purpose of section 2, under clause 4. That is, to give the government time to look at other legislation so that if they require amendments, those amendments would take place within the two years.

Nevertheless, Mr. Chairman, after the two-year period is over, section 2 kicks in. If there is still a conflict, because of an oversight of the government or something, this provision would still prevail over the other acts. Thank you.

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CHAIRMAN (Mr. Whitford):

Thank you, Mr. Zoe. Minister Kakfwi.

HON. STEPHEN KAKFWI:

Mr. Chairman, I guess it is for lawyers to clarify, but I understand that even if an act says it prevails over all other acts, if it is passed previous to this act, the act that has passed most recently prevails. Again, I understand the two-year provision is there to give us time to make sure it doesn't prevail without diminishing any of the other acts. We take the view, in any case, that this act does not diminish any other act currently standing in the Northwest Territories. For instance, I think it will enhance the Official Languages Act.

CHAIRMAN (Mr. Whitford):

Thank you, Mr. Minister. Clause 4.

SOME HON. MEMBERS:

Agreed.

---Agreed

CHAIRMAN (Mr. Whitford):

Clause 5. Mr. Patterson.

MR. PATTERSON:

Thank you, Mr. Chairman. Clause 5 says that a record might be provided but that certain information that is exempted may be severed. What would this look like? Would it look like the documents we see from other jurisdictions with great black blobs in them where a felt pen or some black object has been used to strike out chunks of the document? Is that what we'd get?

CHAIRMAN (Mr. Whitford):

A censored document. Minister Kakfwi.

HON. STEPHEN KAKFWI:

Mr. Chairman, I have no idea if they are going to blot it out with black or white. I'm told that the intent is to give as much information as possible and to blot out as little as possible. But, the act does provide for protection of privacy, so there will be access, but there are limits, as we state in the outset of this legislation.

CHAIRMAN (Mr. Whitford):

Thank you, Mr. Minister. As much as possible, and as little as necessary. Clause 5. The chair recognizes Mr. Ningark.

MR. NINGARK:

Thank you, Mr. Chairman. I like section 5, subsection 1, "A person who makes a request under section 6 has right of access to any record in the custody or under the control of a public body." It is my understanding that any person, either unilingual Dene or unilingual Inuit, will have the same access, in the same timely fashion, as a person who is able to speak English. That is my understanding.

It is subsection 2 that I'm not very comfortable with, "But, where that information can reasonably be served from a record..." My understanding is that "reasonably" could mean if the information is not translated into the Dene language or Inuktitut language. The term "reasonable" may be used by a public body. I'm not very comfortable with that.

Since we have the Access to Information Act -- if it is passed by this public government -- any person, either unilingual or bilingual, should have the same right to information in the same timely manner. Thank you.

CHAIRMAN (Mr. Whitford):

Thank you, Mr. Ningark. There is a question there directed to the Minister. There was a comment, but there was a little something in there. Mr. Minister.

HON. STEPHEN KAKFWI:

Thank you, Mr. Chairman. Under clause 7, we will be making a suggestion that a record that already exists or is in the possession of the government, that is accessible under this act, should be made available to any member of the public in an official language, if the head of that public body -- like a deputy minister -- deems it in the public interest. It should be provided to the member.

If the head of the public body does not want to disclose it, or make it available, then you can have it reviewed by the Commissioner. It is an enhancement, I would say, but still subject to discretion. As legal counsel said, it is discretionary, but again, reviewable at the end of the day. It can be reviewed.

CHAIRMAN (Mr. Whitford):

Thank you, Mr. Minister. The chair continues to recognize Mr. Ningark.

MR. NINGARK:

Thank you, Mr. Chairman. I hope that, because we have a very important act here -- which gives any resident of the Northwest Territories the right to access information if the act is passed -- the public body, the deputy minister and any employees of the government who have the discretion to give information will not try, by any means or any fashion, to deter or deny a person who is not able to speak or read English. That's my concern. I hope that person who is unilingual, either Dene or Inuk, will be able to access information in the same timely fashion as a person who is able to reach English or French. Just a comment. Thank you.

CHAIRMAN (Mr. Whitford):

Thank you, Mr. Ningark. Mr. Gargan.

MR. GARGAN:

Mr. Chairman, are you going to recognize the clock?

CHAIRMAN (Mr. Whitford):

Thank you, Mr. Gargan. The time in about 10 seconds will be 6:00. The chair recognizes the clock now. I shall rise and report to the Speaker.

Before we depart, I would like to take this opportunity on behalf of the committee to thank the Minister and his witnesses for assisting us in this very important matter. You're excused for the day. Thank you.

MADAM SPEAKER:

Item 21, report of committee of the whole. The honourable Member for Yellowknife South, Mr. Whitford.

ITEM 21: REPORT OF COMMITTEE OF THE WHOLE

CHAIRMAN (Mr. Whitford):

Thank you, Madam Speaker. Madam Speaker, in your absence your committee has been considering Bill 6 and would like to report progress. Madam Speaker, I move that the report of committee of the whole be concurred with.

MADAM SPEAKER:

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

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AN HON. MEMBER:

Question.

MADAM SPEAKER:

Question has been called. I'm sorry, seconder to the motion, the honourable Member for Inuvik. To the motion. Question is being called. All those in favour? Motion is carried.

---Carried

Item 22, third reading of bills. Item 23, Mr. Clerk, orders of the day.

ITEM 23: ORDERS OF THE DAY

CLERK OF THE HOUSE (Mr. Hamilton):

Madam Speaker, a meeting of the Ordinary Members' Caucus at 9:00 am tomorrow morning. Orders of the day for Friday, October 14th.

1. Prayer
2. Ministers' Statements
3. Members' Statements
4. Returns to Oral Questions
5. Recognition of Visitors in the Gallery
6. Oral Questions
7. Written Questions
8. Returns to Written Questions
9. Replies to Opening Address
10. Replies to Budget Address
11. Petitions
12. Reports of Standing and Special Committees
13. Reports of Committees on the Review of Bills
14. Tabling of Documents

15. Notices of Motion
16. Notices of Motions for First Reading of Bills
17. Motions
18. First Reading of Bills
19. Second Reading of Bills
20. Consideration in Committee of the Whole of Bills and Other Matters

---ADJOURNMENT

- Tabled Document 14-12(6), "Open for Business" Privatizing the Northwest Territories Power Corporation
 - Tabled Document 23-12(6), Report of the 1993-94 Electoral District Boundaries Commission Northwest Territories
 - Minister's Statement 11-12(6), Return to Session
 - Committee Report 6-12(6), Report on the Review of Bill 3 - Guardianship and Trusteeship Act
 - Committee Report 7-12(6), Report on the Review of Bill
 - 7 - An Act to Amend the Arctic College Act
 - Committee Report 9-12(6), Investing In Our Future, October 1994
 - Bill 1, Appropriation Act, No. 1, 1995-96
 - 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
22. Report of Committee of the Whole
 23. Third Reading of Bills
 24. Orders of the Day

MADAM SPEAKER:

Thank you. This House stands adjourned until Friday, October 14th at 10:00 am.