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LEGISLATIVE ASSEMBLY**

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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, Hon. Jeannie Marie-Jewell, Hon. Rebecca Mike, Hon. Don Morin, Hon. Richard Nerysoo, Mr. Ng, Mr. Ningark, Mr. Patterson, Mr. Pudlat, Mr. Pudluk, Hon. John Todd, Mr. Whitford, Mr. Zoe

ITEM 1: PRAYER

---Prayer

MADAM SPEAKER (Hon. Jeannie Marie-Jewell):

Good morning. Item 2, Ministers' statements. The honourable Member for Keewatin Central, Mr. Todd.

ITEM 2: MINISTERS' STATEMENTS

Minister's Statement 23-12(6): 1993 Annual Report Of The Workers' Compensation Board

HON. JOHN TODD:

Thank you, Madam Speaker. Madam Speaker, next week, I will table the 1993 annual report of the Workers' Compensation Board. This is the official record of the year ended last December 31st, and is being tabled to comply with the provisions of the Workers' Compensation Act.

---Applause

Thank you. Thank you. Thank you. This turnaround allowed the board to freeze the 1994 rates.

Last year, I told this Assembly that the board had adopted a funding strategy to return it to a fully funded position within one year without increasing employer premiums. There was some concern that this might be accomplished at the expense of injured workers. Let me stress that this was not and is not the case.

Throughout 1993, the WCB worked to create a more efficient, less costly and more accessible operation. Many internal changes were made to streamline the flow of information and improve the level of customer service.

The board introduced or refined policies on affirmative action, official languages and northern incentives, all

of which are important to this Legislature. A communications campaign was initiated to reach all stakeholders through a series of community visits, focus groups and speaking engagements. A quarterly newsletter called "Directions" has been very well-received.

On July 1, 1993, the board began using a newly developed NWT impairment rating schedule to ensure fairness in awards for permanent disabilities.

Rehabilitation and medical programs were managed more effectively. The focus of rehabilitation programs was shifted from academic studies to on-the-job retraining. New courses were developed to promote safety awareness. More than 1,000 participants took part in 10 safety courses offered by the WCB in nine communities.

These changes were all directed at improving and providing quality customer service to both claimants and employers.

Faced with mounting liabilities and a sluggish economy, some jurisdictions reduced the level of benefits paid to injured workers. I'm pleased to say that our WCB has made no such cuts, and none are planned.

Turning briefly to the annual report, Madam Speaker, the board has responded to the concerns of Members of this House by including more and better information. The report shows that during 1993, the board accepted 3,307 claims, down slightly from 1992. The claim rate per 100 workers was also lower. The board served a total of 3,150 employers, which paid assessments totalling \$22.5 million.

In conclusion, Madam Speaker, the board's careful attention to the balance between workers' and employers' needs has resulted in a fully funded position without cutting benefits.

The board's contingency reserve, which was completely depleted in 1992, has been re-established as two new reserves to ensure that stakeholders understand what they are intended to do. The catastrophic reserve, at \$3.3 million, is to provide funds for disasters and unforeseen events. The operating reserve, at \$1 million, is intended to protect against adverse financial results in future years.

Madam Speaker, I commend the board for its work during 1993, and I am pleased to accept this report and table it in the House later next week. Thank you.

---Applause

MADAM SPEAKER:

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

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Minister's Statement 24-12(6): Appointment Of The Board Chairman, Stanton Yellowknife Hospital

HON. NELLIE COURNOYEA:

Madam Speaker, I am pleased to announce the appointment of Mr. Anthony Chang as the new chairman of the board of management of the Stanton Yellowknife Hospital.

As the Members know, the Stanton Yellowknife Hospital has taken on an expanded role as the regional referral hospital for the western Arctic. This expanded role required a new board structure including regional representation from all western Arctic health boards, as well as the north Great Slave. All representative groups, including the Stanton board, were contacted for nominations to the position of chair.

Mr. Chang is a 20-year resident of the Northwest Territories and brings to the position considerable management, business and volunteer experience. He is well-known as a result of his extensive travel within the north. He is an owner and operator of several enterprises and his strong management skills complement his experience in volunteer activities.

Madam Speaker, Mr. Chang will provide stability and strong accountable leadership to the hospital as it develops its new role as a regional referral hospital. Thank you, Madam Speaker.

---Applause

MADAM SPEAKER:

Thank you. Item 2, Ministers' statements. Item 3, Members' statements. The honourable Member for Baffin South, Mr. Pudlat.

MR. PUDLAT:

(Translation not provided)

TRANSLATOR:

I'm sorry, we're not getting any of the technical feedback.

MADAM SPEAKER:

Excuse me. I'm sorry, according to the translators we're not getting any of your comments back. It appears that we are having some technical difficulty. We'll recess for about five minutes to address it. Thank you.

---SHORT RECESS

MADAM SPEAKER:

Item 3, Member's statements. The honourable Member for Baffin South, Mr. Pudlat, do you want to try again?

ITEM 3: MEMBERS' STATEMENTS

Member's Statement On Apologizing To Constituents For Absence In The House

MR. PUDLAT:

(Translation) Thank you, Madam Speaker. I am sorry for the inconvenience I have caused. Madam Speaker, maybe you can hear what I have to say now. I stand today to express my apologies for not being in the House for the last two days. I want to apologize to my constituents. I realize I have a lot of work that I have to carry out. But, I was having health problems and was unable to participate during the last two days. I wanted to express that to you, Madam Speaker. Thank you.

MADAM SPEAKER:

Thank you. Item 3, Members' statements. The honourable Member for High Arctic, Mr. Pudluk.

Member's Statement On 19th Anniversary As An MLA

MR. PUDLUK:

(Translation) Thank you, Madam Speaker. As we are all aware, we won't be meeting tomorrow as it will be Saturday. It will be October 15th tomorrow. I remember back in 1975, I was first elected on October 15th. I am very happy today that I am still here.

---Applause

At the same time, I realize there are difficulties we have to work through, whether they are verbal, or difficulties concerning our families and friends. I am very happy that I have been able to face those challenges. I expect to continue working within this House.

Looking back to October 15, 1975, it seems like a short time ago, but it has been a long time now. I want to express my gratitude to the people who have continued to vote for me and I want to thank you for helping me meet my challenges. Thank you, Madam Speaker.

---Applause

MADAM SPEAKER:

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

Member's Statement On Alternatives To Watching Hockey On TV

MR. GARGAN:

Thank you, Madam Speaker. Madam Speaker, you may recall that last week I rose in the House to make a statement on the lack of baseball in October and how it affects my constituents. As Canadians, Madam Speaker, we now face a much greater crisis. There is no hockey.

SOME HON. MEMBERS:

Shame, shame.

MR. GARGAN:

Madam Speaker, with the lack of sports on television, people are going into withdrawal. Grown men are crying because they are being forced to watch Walt Disney movies...

---Laughter

...instead of Hockey Night in Canada on Saturday nights. The Toronto Sports Network, also referred to as TSN, with the lack of hockey and baseball, have been showing some really interesting sports, such as camel racing, to satisfy the sports fan.

---Laughter

Madam Speaker, if I might be permitted, I would like to offer those poor, misguided sports fans some thoughts that may be of comfort to them in their hour of need. Now that there is no hockey to watch on Saturday night, perhaps a person could spend some quality time with their families. Go hunting, watch your own kids play hockey, confuse the wife and take her out for supper on Saturday night.

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---Laughter

The possibilities are endless, Madam Speaker. They could take up the sport of MLA bashing, complain about their personalized licence plates, complain about the fact that some of us drive four-wheel drives and our plates are at eye-level. Little do they realize, Madam Speaker, that this is so we can find our trucks after a hard session at the Gold Range, the Northwest Territories' unofficial Assembly.

Madam Speaker, a person has to realize that professional hockey and baseball are games played by grown men who are paid outrageous sums of money to do what a majority of Canadian males only dream of. Whether your team wins or loses means nothing in the grand scheme of things. Your life will not improve because the Montreal Canadiens win another Stanley Cup.

Finally, Madam Speaker, a sports fanatic has to realize that Don Cherry is not a god. The man, himself, admitted that, if it wasn't for hockey, he would be digging ditches in Ontario somewhere. Thank you, Madam Speaker.

---Applause

MADAM SPEAKER:

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

Member's Statement On Sedluk's Soapbox

MR. PATTERSON:

Madam Speaker, as you may have noticed, I've been feeling a little bit feisty this week. Some honourable Members have commented to me on this and have even asked whether I'm running for re-election again. Yesterday, I even got so worked up that when the Minister of Public Works and Services took my question as notice -- even though I had given him a

generous two hours notice -- I came close to uttering an unparliamentary word.

MR. BALLANTYNE:

You uttered it, we heard it.

---Laughter

MR. PATTERSON:

In fact, Madam Speaker, I guess I should be grateful that your ears were averted at a certain point in time yesterday, for which I thank you.

So, I've been thinking about how wise it is to be angry, strident and confrontational, especially after I noted the remarkable change in tone of Sedluk's Soapbox in Nunatsiaq News' latest edition. Sedluk's Soapbox, as we all know, is written by my honourable predecessor in this House, Mr. Bryan Pearson. Up until now, his very well-written columns have been full of venom and vitriol, often directed at government, sometimes even directed at the current MLA for Iqaluit, who had the gall to challenge Mr. Pearson, not once but twice, for the MLA job.

But, remarkably, Bryan Pearson has mellowed and softened. In his latest column, Madam Speaker, which begins, "Dear reader," Mr. Pearson shows his gentler, kinder side. He writes, "I appreciate the support and interest that you have shown in this column since I was invited to write it more than two years ago. Now, however, after careful consideration and soul-searching, it has occurred to me that the issues and concerns that I have raised and felt were important don't seem to bother others as much as they did me. Therefore, I have decided to write this in a much lighter vein, and to be positive for a change."

So, he then wished the new mayor and council the best of luck. He said it was a thankless job...I would like to carry on, with consent, Madam Speaker.

MADAM SPEAKER:

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

MR. PATTERSON:

Thank you, Madam Speaker. He said that the mayor and councillors' jobs were thankless and then he went on to tell funny stories about tourists who thought they

could drive from Iqaluit to Pangnirtung. He finished his column with a recipe for pasta Marinara.

So, Madam Speaker, inspired by Bryan Pearson, I have decided to try to become kinder and gentler from here on. I will try not to criticize the government. If I do, I will try to be more sympathetic and understanding.

For example, I've been thinking about Mr. Morin. Instead of thinking about his Department of Public Works and Services as a bloated, centralized bureaucracy with layers of architects supervising architects supervising architects, I should try to sympathize with the Minister. As he said yesterday, he is struggling with the loss of 67 person years. I think they must have all been architects, Madam Speaker, because DPW used to have hundreds of architects. I suppose now they only have dozens.

So, Madam Speaker, you will not be hearing a lot of outrage, shock and dismay from me in the coming week. In fact, I will be spending most of the week in Rankin Inlet at the NTI economic conference. Happy Friday. Thank you.

---Applause

MADAM SPEAKER:

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

Member's Statement On Election Day In Fort Simpson

MR. ANTOINE:

Mahsi, Madam Speaker. Today I would like to say something about the coming elections in tax-based municipalities. I have the tax-based municipality of Fort Simpson in my constituency. On Monday, people from the community will go to the polls to elect a mayor and councillors for the village council. I just want to say that running for municipal office is a very challenging three years. It is a very important three years.

We are talking about a lot of issues that are going to affect the lives of everybody. The main one is constitutional development in the north, and people in the communities have to be more involved in the whole process. There are outstanding land claim issues in my area, as well as economic development issues. People who are running are all good people.

I just wanted to say whoever gets in, I will certainly be, as an MLA, willing to work hard with them to

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achieve whatever their goals are. I just wanted to say that. Mahsi. Thank you.

MADAM SPEAKER:

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

Member's Statement On NWT Seniors' Society

MR. KOE:

Mahsi, Madam Speaker. I rise today to say a few words about a segment of our population who are well-respected; I certainly respect a lot of them and these are our seniors and elders who, over time, have provided good guidance and wise counsel to myself and, I'm sure, all of my colleagues in this House.

In the report on the Special Committee on Health and Social Services which was issued or released last November, and in our trips across the north, in the communities we visited and people we've talked to, we talked to a lot of elders and seniors in their homes and meetings, wherever we had opportunities to meet them. We took their counsel and information. We had a section in the report on elders and their needs and wishes and made some recommendations.

Madam Speaker, there is now, in the territories, a Northwest Territories Seniors' Society. They've written some correspondence to the different Ministers and also to the committee, when it existed, on their wishes. I just wish to reiterate a few of their comments. The number of seniors and elders in the Northwest Territories continues to increase and with this growth, government faces new challenges in the expansion and the delivery of programs and services to Northwest Territories residents.

The seniors' society also made some points they wish the government to consider when deliberating about their needs and programs for seniors. First, during the next two years, federal, territorial and provincial governments will be embarking on ambitious programs to reform health care and social services for Canadians. They will also be examining existing taxation regimes which affect disposable and pension incomes for seniors and elders. Finally, governments will be considering measures to reduce overlap and duplication in a number of programs and services.

Madam Speaker, my time is up. I seek unanimous consent to complete my statement.

MADAM SPEAKER:

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

MR. KOE:

Mahsi, my colleagues and thank you, Madam Speaker. The Government of the Northwest Territories then, will need timely advice and input from seniors and elders on how these initiatives will affect them. Secondly, the Government of the Northwest Territories as we know it will no longer exist at the turn of the century.

Division, aboriginal self-government initiatives and transfer of responsibility and delivery of programs and services to community and regional governments will mean major changes in the way in which seniors and elders interact with their governments. These initiatives will hopefully improve the quality of life for all northern residents including seniors and elders who are major users of these programs and services.

Thirdly, there are a number of current and ongoing initiatives which could have significant implications, including the need for more social housing, violence and abuse of the elderly, health care benefits for aboriginal and non-aboriginal seniors and facility care for the frail seniors. The governments need constructive and coordinated advice on these issues from a senior's perspective.

Fourthly, while we may well be into the information age, the Government of the Northwest Territories needs to take steps to coordinate its approach to providing information to seniors and elders and process these inquiries.

Madam Speaker, the elders have also made many suggestions to the government and I hope they take these very seriously and assist our elders and seniors wherever they can. Mahsi.

MADAM SPEAKER:

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

Member's Statement On Congratulating WCB

MR. WHITFORD:

Thank you, Madam Speaker. Madam Speaker, I'd like to take this opportunity to congratulate the Workers' Compensation Board for the progress they've made over the past year, according to the Workers' Compensation Board report that the honourable Mr. Todd tabled or read into the record this morning.

I'm going to take the report and the Minister's statement at face value, Madam Speaker, and offer congratulations to the hard work that's gone into bringing this corporation around from a deficit, from what was perceived to be a very tough, hard-nosed, uncaring department by people who need to use their services. It's good to see that perhaps we're going to see a kinder, gentler department in the future.

MADAM SPEAKER:

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

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MR. WHITFORD:

Thank you, Madam Speaker. Thank you, colleagues. While I recognize there is not just one side, although it is just the one side often times I hear. There are two sides to the stories and I try to get both sides so that we can understand. But sometimes it doesn't take much to assuage a person's fear. A little extra help does go a long way and I know there are certainly some very good employees who are taking that extra effort to make things a little better.

---Applause

MADAM SPEAKER:

Thank you. Item 3, Members' statements. Item 4, returns to oral questions. The honourable Member for Tu Nedhe, Mr. Morin.

ITEM 4: RETURNS TO ORAL QUESTIONS

Return To Question 76-12(6): Investigation Of Contractor

In Pond Inlet

HON. DON MORIN:

Thank you, Madam Speaker. I have a return to an oral question asked by Mr. Alloo on October 7, 1994, on the investigation of a contractor in Pond Inlet. On October 7, 1994, the honourable Member for Amittuq asked a question regarding an RCMP investigation into potential false claims by the contractor in Pond Inlet.

MADAM SPEAKER:

Thank you. Item 4, returns to oral questions. Madam Premier.

Return To Question 112-12(6): Testing To Ensure Safety Of Drinking Water

HON. NELLIE COURNOYEA:

Thank you, Madam Speaker. I have a reply to an oral question asked by Mr. Gargan on October 12th, as to whether the Department of Health and Social Services is doing any monitoring of drinking water in the Mackenzie and Slave rivers.

The Mackenzie health service monitors drinking water quality in all communities on the Slave and south Mackenzie river systems at least monthly for bacteria. The other regional health boards have similar monitoring programs.

In addition, full chemical analysis is conducted on an annual basis in cooperation with the Department of Indian Affairs and Northern Development.

The Department of Municipal and Community Affairs has recently completed a Northwest Territories water quality study in which the water quality of all NWT communities was examined and found to conform to the national drinking water standards.

MADAM SPEAKER:

Thank you. Item 4, returns to oral questions. The honourable Member for Mackenzie Delta, Mr. Nerysoo.

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

HON. RICHARD NERYSOO:

Thank you, Madam Speaker. This is a return to an oral question asked by Mr. Ng on October 13, 1994

regarding the criteria for selection of candidates for the teacher education program.

The criteria for the admission of students in an NWT teacher education program, delivered on campus or in a community, is identified in the Arctic College program calendar. Generally, the criteria for admission in a teacher education program requires that the candidate:

- is 17 years of age or older;
- has a strong desire to work with children; and,
- is mature, responsible and reliable.

The candidate must have one of the following:

- a high school diploma; or,
- a minimum of grade 10, two years successful experience as a classroom assistant, and a reference from both the principal and the community education council; or,
- the numeracy and literacy skills required by the teacher education program.

Arctic College selects candidates for campus-based teacher education programs based on these criteria. The college, in partnership with boards and divisional boards of education also uses this criteria to screen candidates for community-based programs.

MADAM SPEAKER:

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

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

HON. REBECCA MIKE:

Thank you, Madam Speaker. I have a return to an oral question asked by Mr. Zoe on October 13, 1994.

The department continues to support involvement and participation from the NWT in the North American Indigenous Games. These games are held every second year, in 1993 in Prince Alberta, Saskatchewan and in 1995 to be held in Bemidji, Minnesota.

Previous support for the North American Indigenous Games has been, as Mr. Zoe noted, on an ad hoc basis as our resources allowed. The department assisted 50 athletes and officials from Rae-Edzo to attend the games in Prince Albert. I would like to see a more formal program approach to our support for these games and continue to support the ministerial initiative developed by the former Minister.

The department has discussed this matter with several teachers for the Dogrib Divisional Board of Education and advised them that we are continuing to try and establish a proper program to assist our participation in these games. Discussion on specific support for possible participants is premature, however, until we make further progress on a program for assistance. Any interpretation that we will not support participation in the games is mistaken, and unfortunate; it is that we simply do not yet know the scope and nature of our involvement.

I would, again, confirm that I support our involvement in the 1995 North American Indigenous Games and will give priority to establishing a program of support in time for proper preparation for the 1995 games. Thank you.

MADAM SPEAKER:

Thank you. You have another return to oral question, Ms. Mike. Proceed.

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

HON. REBECCA MIKE:

Thank you, Madam Speaker. This question was asked by Mr. Ng on October 13, 1994 on land use permit procedures.

DIAND procedures do call for the circulation of land use permit applications on Crown lands outside municipal boundaries to the Department of Municipal and Community Affairs for comment. The department's opportunity to comment does vary, however, and in some cases we are not involved at the application stage. Thank you.

MADAM SPEAKER:

Thank you. Item 4, returns to oral questions. Item 5, recognition of visitors in the gallery. Item 6, oral questions. The honourable Member for Kitikmeot, Mr. Ng.

ITEM 6: ORAL QUESTIONS

Question 131-12(6): Criteria For Repayment Of Access Housing

MR. NG:

Thank you, Madam Speaker. My question is to the Minister of Housing, but as he's not here right now I'll pose it to Madam Premier. It's regarding the access housing home ownership program. We know that there's been a big increase in the interest in that program over the past few years since it's been established. I would like to ask what criteria the corporation uses for establishing the repayment amount for applicants.

MADAM SPEAKER:

Thank you. Madam Premier.

Return To Question 131-12(6): Criteria For Repayment Of Access Housing

HON. NELLIE COURNOYEA:

Madam Speaker, there are criteria set. I will take the responsibility to have the Minister of Housing provide that information to the honourable Member. Thank you.

MADAM SPEAKER:

Supplementary, Mr. Ng.

Supplementary To Question 131-12(6): Criteria For Repayment Of Access Housing

MR. NG:

Thank you, Madam Speaker. I would also ask, since the Minister hasn't take it as notice, that the Minister be asked to provide the information on whether the excess materials from these packages that are supplied to the home owners, whether they remain the ownership of the new home owner or if the Housing Corporation retains ownership for those materials. Thank you.

MADAM SPEAKER:

Thank you. Madam Premier.

Further Return To Question 131-12(6): Criteria For Repayment Of Access Housing

HON. NELLIE COURNOYEA:

Madam Speaker, yes I will take the responsibility to have the Minister provide that information. Thank you.

MADAM SPEAKER:

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

Question 132-12(6): Liquor Restrictions In Fort Simpson

MR. ANTOINE:

Mahsi, Madam Speaker. My question is for the Minister of Safety and Public Services, the Honourable Richard Nerysoo. It's with regard to a petition that was signed in Simpson with over 120 names about revisiting the liquor restrictions that are in place in Fort Simpson. This was a request that the Minister was responsible for, to see if it is actually a plebiscite the community is looking for, at the municipal election that is coming up on Monday. If so, what is the response of the Minister to that petition? Thank you.

MADAM SPEAKER:

Minister responsible for Safety and Public Services, Mr. Nerysoo.

Return To Question 132-12(6): Liquor Restrictions In Fort Simpson

HON. RICHARD NERYSOO:

Thank you. The matter has been reviewed. The one issue that is important is that it is not a matter that is going to be dealt with in the municipal election. It is a legitimate request, but at this particular juncture I have not given the final approval as to whether an appropriate plebiscite would be held.

MADAM SPEAKER:

Thank you. Supplementary, Mr. Antoine.

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Supplementary To Question 132-12(6): Liquor Restrictions In Fort Simpson

MR. ANTOINE:

Thank you, Madam Speaker. I'm told that there will be a question on the election ballot in Fort Simpson, to ask citizens who will be voting whether they would want to revisit the question of alcohol restriction in Fort Simpson. I would like to ask the Minister if he is aware of that. Thank you.

MADAM SPEAKER:

Minister of Safety and Public Services, Mr. Nerysoo.

Further Return To Question 132-12(6): Liquor Restrictions In Fort Simpson

HON. RICHARD NERYSOO:

Thank you. No, Madam Speaker.

MADAM SPEAKER:

Thank you. Supplementary, Mr. Antoine.

Supplementary To Question 132-12(6): Liquor Restrictions In Fort Simpson

MR. ANTOINE:

I would like to ask the Minister, what constitutes a plebiscite during an election? Is it the type of question that is worded on the ballot; does that constitute a plebiscite? I would like to qualify the question by saying that if the municipal government decides to put a question on the ballot of a very general nature, asking the citizens whether they want to revisit alcohol restriction, to put more restrictions on it or to open it up more, does that constitute a plebiscite? Thank you.

MADAM SPEAKER:

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

Further Return To Question 132-12(6): Liquor Restrictions In Fort Simpson

HON. RICHARD NERYSOO:

Madam Speaker, I am not responsible for the issues related in a municipal election. I would suggest to the honourable Member that I have not given approval for a plebiscite, so the matter is probably being raised to ask the question of the electorate in that particular community. I will have to take the question as notice,

because I don't know the details of the issue. It could just be a municipal question, which is not a plebiscite.

MADAM SPEAKER:

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

Question 133-12(6): Support For An NWT Team At 1995 Indigenous Games

MR. KOE:

Mahsi, Madam Speaker. Madam Speaker, my question is for the Minister of Municipal and Community Affairs. I was very pleased when she provided some information on the international indigenous games, which she said she would be supporting. I am also very interested on a personal level, because I pretend to be an athlete, even though this body doesn't look like one.

---Laughter

I've had opportunities to participate in these games as an official and as an athlete, but due to the political career I took on, I had to forego those opportunities. There are many athletes in the Northwest Territories, Inuit, Dene, Metis, who are eligible for these games. Knowing the international level through Arctic Winter Games and other national sporting events, people who participate work very hard and are very proud to represent the Northwest Territories and the region they are from.

My question is, will the Government of the Northwest Territories be supporting team Northwest Territories for the 1995 indigenous games, scheduled for Bemidji, Minnesota?

MADAM SPEAKER:

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

Return To Question 133-12(6): Support For An NWT Team At 1995 Indigenous Games

HON. REBECCA MIKE:

Thank you, Madam Speaker. At this point in time, I cannot say because this is under review with department officials and the people involved. Thank you.

MADAM SPEAKER:

Thank you. Supplementary, Mr. Koe.

Supplementary To Question 133-12(6): Support For An NWT Team At 1995 Indigenous Games

MR. KOE:

Thank you. I know it will take some planning and internal work, especially with the restructuring. I'm sure staff are very busy doing other things. But, it is important, as I mentioned, to athletes and organizers of these teams that they start their preparatory work and planning. It is a long way from here to Bemidji. I'm just wondering how soon do you see this planning you are doing coming to fruition?

MADAM SPEAKER:

Minister of Municipal and Community Affairs, Ms. Mike.

Further Return To Question 133-12(6): Support For An NWT Team At 1995 Indigenous Games

HON. REBECCA MIKE:

Thank you, Madam Speaker. I believe Cabinet should address these matters and I will be bringing forward a discussion paper very shortly to Cabinet. Thank you.

MADAM SPEAKER:

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

Question 134-12(6): Appearance Of DIAND Minister The Honourable Ron Irwin

MR. PATTERSON:

Thank you, Madam Speaker. Madam Speaker, I believe it was to be the coming week that Mr. Irwin was scheduled to come to Yellowknife, address the Legislature and meet with the Constitutional Development Steering Committee. I would like to ask whoever is in charge of this event, Madam Speaker -- the Premier or the Minister of Intergovernmental Affairs -- whether there is any news on whether Mr. Irwin will be coming and addressing the House. I believe it was going to be the coming week that he was coming. Thank you.

MADAM SPEAKER:

Mr. Patterson, I am having a problem with your question. I don't know whether you wanted to ask the Premier or the Minister responsible for Intergovernmental Affairs. The motion that this House passed directed the Speaker to invite Mr. Irwin. Would you clarify what Minister you would like to ask?

MR. PATTERSON:

Thank you, Madam Speaker. I do understand that the invitation came from your office, but I believe the Minister of Intergovernmental Affairs had a role in coordinating the visit, so I would like to direct the question to Mr. Kakfwi. Thank you.

MADAM SPEAKER:

Thank you. Minister of Intergovernmental and Aboriginal Affairs, Mr. Kakfwi.

Return To Question 134-12(6): Appearance Of DIAND Minister The Honourable Ron Irwin

HON. STEPHEN KAKFWI:

Madam Speaker, we have no date agreed to at this time. Thank you.

MADAM SPEAKER:

Thank you. Supplementary, Mr. Patterson.

Supplementary To Question 134-12(6): Appearance Of DIAND Minister The Honourable Ron Irwin

MR. PATTERSON:

Thank you, Madam Speaker. I would like to ask the Minister, is it just a question of sorting out a date? The Minister wants to come, but is it just a matter of sorting out a date, or is it a question of whether he is going to come or not. Thank you, Madam Speaker.

MADAM SPEAKER:

Thank you. Minister of Intergovernmental and Aboriginal Affairs, Mr. Kakfwi.

Further Return To Question 134-12(6): Appearance Of DIAND Minister The Honourable Ron Irwin

HON. STEPHEN KAKFWI:

Madam Speaker, the Minister has committed to accept the invitation. It is a matter of finding a date suitable for everyone. Thank you.

MADAM SPEAKER:

Thank you. Item 6, oral questions. The honourable Member for High Arctic, Mr. Pudluk.

Question 135-12(6): Generator For Grise Fiord Airport

MR. PUDLUK:

(Translation) Thank you, Madam Speaker. I would like to direct my question to the Minister of Transportation, regarding airports. Last summer, a generator was being built in Resolute Bay. I would like to ask the Minister when that generator will be given to the airport. Thank you.

MADAM SPEAKER:

Thank you. Minister of Transportation, Mr. Todd.

Return To Question 135-12(6): Generator For Grise Fiord

Airport

HON. JOHN TODD:

Thank you, Madam Speaker. I don't know. I will have to find out from the department and advise the Members. Thank you.

MADAM SPEAKER:

Thank you. Supplementary, Mr. Pudluk.

Supplementary To Question 135-12(6): Generator For Grise Fiord Airport

MR. PUDLUK:

Thank you, Madam Speaker. Did I understand that the Minister of Transportation is taking the question as notice?

MADAM SPEAKER:

Thank you. Minister of Transportation, Mr. Todd.

Further Return To Question 135-12(6): Generator For Grise Fiord Airport

HON. JOHN TODD:

No, I'm not taking it as notice, Madam Speaker. I am committing to advising my honourable colleague of a long tenure in this House on the status of his request. We'll get back to him sometime later on today or Monday. Thank you.

MADAM SPEAKER:

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

Question 136-12(6): Status Of Birthing Centre Pilot Project In Keewatin

MR. PUDLAT:

(Translation) Thank you, Madam Speaker. I made a Member's statement earlier that talked about a birthing centre. I'd like to ask a question about whether the birthing centre in the Keewatin is going well. I'd like to ask the Minister of Health and Social Services whether the pilot project being done in the Keewatin is going well. Thank you.

MADAM SPEAKER:

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

HON. NELLIE COURNOYEA:

Madam Speaker, as I've referred to it before, we are getting the statistics from the birthing project in Rankin Inlet and doing a bit of an evaluation, but I'll be in a better position to provide that information at the end of the month. So I'll take that question as notice and provide that information once it has been compiled. Thank you.

MADAM SPEAKER:

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

Question 137-12(6): Employment Opportunities For TEP Graduates

MR. NG:

Sorry, Madam Speaker. The question is to the Minister of Education, Culture and Employment. I'd like to thank him for his speedy response to the criteria for selection of the teacher education

candidates. I'd like to ask the Minister, are these candidates, if they're successful in their

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graduation, automatically entitled to positions as teachers. Thank you.

MADAM SPEAKER:

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

Return To Question 137-12(6): Employment Opportunities For TEP Graduates

HON. RICHARD NERYSOO:

Thank you, Madam Speaker. No, they're not automatically entitled to positions, but one of the requirements or portions of the support given by boards is normally the identification of a position for that individual to assume. That is normal practice so that it will allow the individual to go through the educational programming with a view that there's a benefit at the end of the commitment they've made to their education.

MADAM SPEAKER:

Thank you. Supplementary, Mr. Ng.

Supplementary To Question 137-12(6): Employment Opportunities For TEP Graduates

MR. NG:

Madam Speaker, I'd like to ask, for these students, how are they financed to go through their teacher education program. Are there grants or loans or educational leave if they happen to have been government employees prior to that, or a combination of those methods? Thank you.

MADAM SPEAKER:

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

Further Return To Question 137-12(6): Employment Opportunities For TEP Graduates

HON. RICHARD NERYSOO:

Thank you, Madam Speaker. It could be a combination of the method of financing, either through student financial assistance, or there's an additional

loan program that has been approved previously by my Cabinet colleagues and it's assistance for the community teacher education primarily. The other issue is that in some cases, educational leave is given to some of the TEP students who have been part of the personnel of the department previously.

MADAM SPEAKER:

Thank you. Supplementary, Mr. Ng.

Supplementary To Question 137-12(6): Employment Opportunities For TEP Graduates

MR. NG:

Thank you, Madam Speaker. I'd like to ask the Minister if the teacher education program students are unsuccessful in completing their courses or if they are successful and decide to leave the Northwest Territories for whatever reasons, do they have to repay any portion of their grants, contributions or paid educational leave they might have received during the course of their education. Thank you.

MADAM SPEAKER:

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

Further Return To Question 137-12(6): Employment Opportunities For TEP Graduates

HON. RICHARD NERYSOO:

Thank you, Madam Speaker. It all depends on the program that is being used. If there are aboriginal students who are part of the particular program, they have the normal grants and supplementary grants that are provided that are non-repayable. There is a forgivable loan that is provided to non-aboriginal, non-status people, but they must pay it back. That's normal practice under the present financial assistance that's given to students.

The other thing that was given was the whole issue of the forgivable loan and I believe that that is repayable if they don't reside in the Northwest Territories.

MADAM SPEAKER:

Thank you. Final supplementary, Mr. Ng.

Supplementary To Question 137-12(6): Employment Opportunities For TEP Graduates

MR. NG:

Thank you, Madam Speaker. I'd like to ask for non-aboriginal people who have been granted educational leave from their previous employment as government employees, if they left the Northwest Territories upon completion of this program, would they have to repay their educational leave. Thank you.

MADAM SPEAKER:

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

Further Return To Question 137-12(6): Employment Opportunities For TEP Graduates

HON. RICHARD NERYSOO:

Thank you, Madam Speaker. I'd have to report back to the honourable Member, but I do not believe that the educational leave program is repayable.

MADAM SPEAKER:

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

Question 138-12(6): Request For Rock Crusher For Lake Harbour

MR. PUDLAT:

(Translation) Thank you, Madam Speaker. This question is to the Minister of the Department of Transportation. I would also like to thank him for what he has done for me. In Cape Dorset, they don't have a rock crusher. They want to begin crushing rocks. Madam Speaker, I would like to ask the Minister of Transportation if his department would be able to provide a rock crusher for the community of Lake Harbour because the community has a shortage of gravel. I would like to know if his department would be willing to provide us with a rock crusher in Lake Harbour and when. Thank you.

MADAM SPEAKER:

Minister of Transportation, Mr. Todd.

Return To Question 138-12(6): Request For Rock Crusher For Lake Harbour

HON. JOHN TODD:

Thank you, Madam Speaker. The question by the honourable Member would probably be more

effectively handled through the granular program that Public Works and MACA has, where they have a

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revolving fund which allows equipment to go into the community and to crush the kind of gravel the honourable Member is talking about and then stockpile it for community use, whether it's for the airports or on community roads.

I would advise the honourable Member that he put a request in to MACA and DPW for this granular program. It has worked fairly effectively in other communities and they'll establish a time when they can do it. That will then enable the community of Cape Dorset to have adequate crushed gravel for any projects. It was Cape Dorset, wasn't it? If he goes through MACA and DPW and applies for the granular program, they'll establish a schedule as to when they can do it. They will then be able to crush the gravel which will meet the requirements of that community at that time. I'd like to thank my honourable colleagues for helping me this morning. Thank you.

MADAM SPEAKER:

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

Question 139-12(6): Inventory Of Historic Sites

MR. WHITFORD:

Thank you, Madam Speaker. Madam Speaker, I have a question I would like to direct to the Minister responsible for heritage, I guess it could be, in the Northwest Territories. There has been a lot of concern about environmental clean-up in the last little while, there have been teams of people going about the north picking up garbage here and there, from old mine sites, exploration sites, old tourism areas, fishing camps and places like that.

But there has also been a concern expressed by the public that there are a lot of old mine sites that are of a historical nature, things that are part of our mining industry -- I think my colleague, Mr. Lewis, alluded to that last week -- that are of historical value for the tourism industry and just part of our history. I want to ask the Minister whether his department has made any effort to inventory old sites, be they whaling camps, mine or exploration sites, something of a historical nature, to determine their historical value and preservation requirements or destruction

requirements, whatever. Has an inventory been taken?

MADAM SPEAKER:

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

Return To Question 139-12(6): Inventory Of Historic Sites

HON. RICHARD NERYSOO:

Thank you, Madam Speaker. Generally, the responsibility for the whole matter of mine clean-up rests with the Department of Indian and Northern Affairs. However, what I will do and commit to the honourable Member is to get the appropriate information that he seeks in terms of finding out whether or not cataloguing is being done by the Department of Indian and Northern Affairs in conjunction with our heritage staff.

MADAM SPEAKER:

Thank you. Item 6, oral questions. The honourable Member for High Arctic, Mr. Pudluk.

Question 140-12(6): Process For Obtaining Bingo Licences

MR. PUDLUK:

Thank you, Madam Speaker. My question will be directed to the Minister of Safety and Public Services, Mr. Nerysoo. Some of the communities are complaining about getting bingo licences. Some of the communities don't know where to go or how to get their bingo licence. Who should they contact to get their bingo licence?

MADAM SPEAKER:

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

Return To Question 140-12(6): Process For Obtaining Bingo Licences

HON. RICHARD NERYSOO:

Thank you, Madam Speaker. Just so that I can advise honourable Members, most of the responsibilities for lottery licensing has been delegated to the regional directors. In particular, Inuvik, Kitikmeot, Baffin and Keewatin. Yellowknife

and the Fort Smith region are administered out of Yellowknife.

MADAM SPEAKER:

Thank you. Supplementary, Mr. Pudluk.

Supplementary To Question 140-12(6): Process For Obtaining Bingo Licences

MR. PUDLUK:

Thank you, Madam Speaker. Have those communities been advised where they could get their licences?

MADAM SPEAKER:

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

Further Return To Question 140-12(6): Process For Obtaining Bingo Licences

HON. RICHARD NERYSOO:

Thank you, Madam Speaker. I believe that most of the communities are aware, particularly municipal councils are aware and have been advised. However, what I will do on behalf of the honourable Member is to advise again, through letter, immediately, as to where they should contact and the appropriate number of where to contact and apply for lottery licences.

MADAM SPEAKER:

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

Question 141-12(6): Minister's Meeting With NWT Seniors' Society

MR. KOE:

Mahsi, Madam Speaker. Madam Speaker, earlier today I made a statement about the Northwest Territories Seniors' Society and some of their initiatives and concerns. We know that, by letter, the Northwest Territories Seniors' Society requested a meeting with the Minister of Health and Social Services. I would like to ask whether the Minister has met with that society recently.

MADAM SPEAKER:

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

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Return To Question 141-12(6): Minister's Meeting With NWT Seniors' Society

HON. NELLIE COURNOYEA:

Madam Speaker, in the last 30 days, I've met with the seniors on two occasions, as well as attended and addressed their annual meeting. Thank you.

MADAM SPEAKER:

Thank you. Supplementary, Mr. Koe.

Supplementary To Question 141-12(6): Minister's Meeting With NWT Seniors' Society

MR. KOE:

Mahsi. I'm glad the Minister has been able to actively participate with this group. Also by letter, the society had requested some financial assistance to help them get organized and coordinate some of their activities across the north. Has the Minister been able to secure any money for the society?

MADAM SPEAKER:

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

Further Return To Question 141-12(6): Minister's Meeting With NWT Seniors' Society

HON. NELLIE COURNOYEA:

Madam Speaker, there were a number of requests and suggestions from the seniors' group on how we can work together. I did commit to meet with them on a regular basis so that we could coordinate our activities. The issues that were brought up -- there were a number of them -- are being dealt with at this time.

The specifics on asking for dollars to help them organize was not one of the issues that were immediate, although we did discuss how we would work together in the future. Thank you, Madam Speaker.

MADAM SPEAKER:

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

Question 142-12(6): Questions On Municipal Election Ballots

MR. ANTOINE:

Mahsi, Madam Speaker. I would like to ask the Minister of Municipal and Community Affairs a question which is similar to the questions I posed to the Minister of Safety and Public Services with regard to questions during the municipal election. I would like to ask the Minister if questions that are asked to the citizens in the community, if these questions -- depending on the way they're worded -- are binding to the municipal council after the election. Thank you.

MADAM SPEAKER:

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

HON. REBECCA MIKE:

Thank you, Madam Speaker. I would have to check. I am not particularly aware of that one, so I'll take his question as notice.

MADAM SPEAKER:

Thank you. Item 6, oral questions. Item 7, written questions. The honourable Member for Kitikmeot, Mr. Ng.

ITEM 7: WRITTEN QUESTIONS

Written Question 5-12(6): Status Of Employment For Doctors In The NWT

MR. NG:

Thank you, Madam Speaker. My written question is to the Minister of Health and Social Services.

Would the Minister responsible for the Department of Health and Social Services please advise this House of the following:

- 1) How many doctors are employed by the department and/or health boards in the NWT?
- 2) What are the locations where these doctors are based and what areas do they serve in the NWT?

3) Are they full-time employees or on service contract to the department or health boards?

4) What speciality medical services are contracted to provide health care services to the Department of Health?

Thank you.

MADAM SPEAKER:

Thank you. Item 7, written questions. Item 8, returns to written questions. Item 9, replies to opening address. Item 10, replies to...Did you have your hand up for replies to opening address, Mr. Arvaluk? Okay. Item 10, replies to budget address. Item 11, petitions. Item 12, reports of standing and special committees. The honourable Member for Inuvik, Mr. Koe.

ITEM 12: REPORTS OF STANDING AND SPECIAL COMMITTEES

Committee Report 11-12(6): Report On The First Annual Report (1992-93) Of The Languages Commissioner Of The NWT

MR. KOE:

Mahsi, Madam Speaker. Madam Speaker, I am pleased this morning to present the report from the Standing Committee on Agencies, Boards and Commissions on the First Annual Report of the Languages Commissioner.

Introduction

The First Annual Report of the Languages Commissioner of the Northwest Territories was tabled in the Legislative Assembly on December 14, 1993. After considerable discussion in the House, a motion was carried on March 21, 1994 to refer the report to the Standing Committee on Agencies, Boards and Commissions. The standing committee was also directed to, "make recommendations on a mechanism to establish reporting relationships and accountability of the Languages Commission to the Legislative Assembly."

This standing committee considered this matter in meetings in Yellowknife from April 25 to 29, 1994. On April 27 and 28, 1994, public hearings were held with the Premier, the Honourable Nellie Cournoyea; the Speaker of the Legislative Assembly, the Honourable Jeannie Marie-Jewell; and, the Languages Commissioner, Ms. Betty Harnum.

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The standing committee wishes to acknowledge the input of the witnesses and thank them for their appearance at the public hearings. We would also like to thank the Languages Commissioner and her staff for their assistance in preparing this review.

Reporting Relationship Of The Languages Commissioner

The Languages Commissioner is to be an independent entity. Although the resources for the office are provided from government appropriations, the Languages Commissioner is to act independently of government itself.

This independence is reflected in the fact that the Languages Commissioner is to report to the Legislative Assembly, and not to a government Minister. To date, the Languages Commissioner has made appearances before the committee of the whole. However, this does not appear to have been an appropriate forum for the effective review of the Languages Commissioner's reports.

Recommendation 1 in the annual report suggests that a new committee be struck to be responsible for official languages issues. Members of the standing committee disagree. The Standing Committee on Agencies, Boards and Commissions is quite able to take on the task of reviewing the Languages Commissioner's annual reports.

Recommendation 1

The committee recommends that the terms of reference of the Standing Committee on Agencies, Boards and Commissions be amended as follows, by adding the following paragraph:

"The annual reports and any other reports of the Languages Commissioner of the Northwest Territories will be referred to the Standing Committee on Agencies, Boards and Commissions after tabling in the Legislative Assembly. Notwithstanding this formal process, the Speaker is authorized to provide these documents to the standing committee in advance of tabling, to expedite the review by the committee. For further certainty, this review in advance of tabling, may include public hearings and all other authorized activities of the standing committee."

The standing committee also notes recommendation 24 of the Standing Committee on Finance's Report on the Review of the 1994-95 Main Estimates:

"The committee recommends that the Legislative Assembly establish an overall reporting relationship for the Languages Commissioner such that overall reporting is to the Assembly and financial reporting is through the Standing Committee on Finance. The committee further recommends that, in future, the Languages Commissioner should appear before the Standing Committee on Finance to defend her budget."

We agree that the Languages Commissioner should report to, and appear before, the Standing Committee on Finance for budget-related matters.

Madam Speaker, at this time, I would like to turn the next section of the report over to my colleague, Mr. Ningark.

MADAM SPEAKER:

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

Role And Responsibility Of The Languages Commissioner

MR. NINGARK:

Thank you, Madam Speaker. The final report of the Special Committee on Aboriginal Languages, tabled in April 1990, included the recommended amendments to the Official Languages Act, which created the office of the Languages Commissioner. The special committee considered whether the exact powers and duties of the Languages Commissioner should be spelled out explicitly. However, they decided that the best choice was not to be specific; rather, the amendments would allow the Languages Commissioner to exercise political will and discretion in determining the powers and duties of the office.

Whenever someone takes on a new job, there is bound to be a period of adjustment and confusion. This is especially true in the case of this newly-created position, where the first incumbent was expected to quickly establish guidelines and boundaries for the responsibilities and authority of the job.

The recurring theme of the First Annual Report of the Languages Commissioner is that this has not been done. Throughout the report, the Languages Commissioner bemoans the lack of guidance regarding the scope of the position. Many of the most important recommendations in the report are essentially pleas for direction.

Committee Members are of the opinion that much of the responsibility for providing that direction rests with the Languages Commissioner herself. As head of an agency which is technically independent of the Government of the Northwest Territories, the Languages Commissioner does not have a Minister or deputy minister to report to. The Languages Commissioner does report to the Legislative Assembly; however, the Assembly's direction has already been made clear in the Official Languages Act, and specifically, in the sections relating to the position of Languages Commissioner, as developed by the Special Committee on Aboriginal Languages.

It is the committee's opinion that further specific direction from the Assembly is not necessary at this point. Therefore, the standing committee does not endorse recommendation 2. Rather, we would encourage the Languages Commissioner to be decisive in determining the range and limits of the authority of the office. Negotiations with the government, such as those surrounding the administrative protocol, are one solution to this aspect of the Languages Commissioner's job.

However, there may be times when the Languages Commissioner must just act, without waiting for direction. Committee Members appreciate that the Languages Commissioner might hesitate, concerned that decisive action might lead to uncomfortable situations. But the political nature of the position means that uncomfortable situations are unavoidable. The position of Languages Commissioner, by its very nature, is independent of the government. As a watch-dog position, the Languages Commissioner will sometimes be critical of the government, so the relationship between the Languages Commissioner and the government may not always be friendly and cordial. Committee Members feel this is a risk

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that the office of the Languages Commissioner must bear, if he or she is to effectively carry out the mandate of the office.

Madam Speaker, I will ask Mr. Antoine to continue.

MADAM SPEAKER:

Thank you. The honourable Member for Nahendeh, Mr. Antoine.

The Need For Focus

MR. ANTOINE:

Madam Speaker, a number of inquiries and complaints have been directed to the office of the Languages Commissioner, and the office has done an admirable job in trying to deal with them all. However, committee Members feel the Languages Commissioner should have defined a limited scope and set of objectives upon first being appointed. The result has been that the Languages Commissioner has become involved in too many areas, and the office has not been able to focus its attention adequately.

The report addresses a number of individual concerns, either through action taken by the Languages Commissioner or through recommendations made; in doing so, however, the report also reflects the lack of clearly defined and limited goals and objectives. The standing committee feels that the Languages Commissioner should develop and stick to a limited set of objectives, such as the definitive objectives defined in the 1994-95 main estimates. This will allow the office to be in control of events as much as possible, rather than letting events control the duties of the office.

Recommendation 2

The committee recommends that the Languages Commissioner annually define a set of goals and objectives to guide the activities of the office. These goals and objectives should be stated in the office's annual budget and reviewed in the Languages Commissioner's annual reports.

Employee Complaints And Inquiries

Recommendation 3 in the report reflects this lack of focus. In the report, the Languages Commissioner describes a number of complaints from government employees, and then recommends that the Assembly provide direction to the Languages Commissioner on the hearing of employee complaints.

Committee Members feel that such complaints should generally be dealt with through accepted grievance procedures, whether through the UNW or otherwise, as appropriate. While some of the complaints listed were merely requests for information, actual complaints are best handled by the grievance process. If the issue is not dealt with satisfactorily, the Languages Commissioner may then wish to get involved. But doing so before proper grievance proceedings are initiated and completed could put the

Languages Commissioner and the complainant in a difficult situation.

As well, committee Members were confused by the frequent use of the word "complaint" by the Languages Commissioner when referring to any contact with the office. We would prefer that the Languages Commissioner be more discriminating

when referring to files, perhaps classifying them as complaints, inquires and so on.

In short, the standing committee feels strongly that the Languages Commissioner should give more careful consideration to the range and nature of complaints dealt with by the office. As with grievances, some complaints might be better dealt with through other channels. Also, the Languages Commissioner should work with the official languages unit to provide a consistent, effective means of answering routine inquiries about official languages from employees and the public. Committee Members expect that the forthcoming official languages handbook, discussed on page 8, will address this issue.

Madam Speaker, I will turn over this portion of the report to my colleague, the honourable Tony Whitford.

MADAM SPEAKER:

Thank you. Prior to proceeding of the completion of the report, the House will take a short recess. Thank you.

---SHORT RECESS

MADAM SPEAKER:

I'll call the House back to order. The honourable Member for Yellowknife South, Mr. Whitford.

MR. WHITFORD:

Thank you, Madam Speaker. To continue the Standing Committee on Agencies, Boards and Commissions report on the First Annual report of the Languages Commissioner.

The Nature Of The Position Of Languages Commissioner

From the beginning, there have been difficulties with the nature of the Languages Commissioner's position. The appointment of the incumbent was surrounded by contentious debate. Since then, there has been

confusion over administrative issues, such as whether a Languages Commissioner is eligible for merit increases as a deputy minister is.

Committee Members agreed that this area needed clarification. The position should not be seen as a "public service" position in the same way as that of positions in government departments. As the Languages Commissioner is an independent officer, it would not be appropriate to consider merit increases. This would require a judgement concerning the "merit" of the incumbent, and it would be impossible to preserve the independence of the office if such judgements were being made. The standing committee feels the present wage and benefits package is adequate, and should remain fixed for the remainder of the term of the incumbent.

Committee Members also felt that a contractual arrangement would be more appropriate for future incumbents. This would also be in keeping with the recent government initiative to convert deputy minister positions to contract-based positions, rather than indeterminate appointments. It was felt that changing the rules in the middle of the incumbent's term would be unfair; therefore, such a change should take effect in 1996, at the end of the present Languages Commissioner's term.

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Recommendation 3

Therefore, ABC's recommendation 3 is the committee recommends that upon the expiry of the term of the present Languages Commissioner, the position of Languages Commissioner be changed to a contractual position.

Madam Speaker, I will now turn this over to my colleague for Yellowknife Frame Lake, Mr. Dent.

MADAM SPEAKER:

Thank you. The honourable Member for Yellowknife Frame Lake, Mr. Dent.

Responsibilities Of The Government And Of The Languages Commissioner

MR. DENT:

Thank you, Madam Speaker. The section I will be presenting to the House is responsibilities of the government and of the Languages Commissioner.

Madam Speaker, the second major theme of the report is that of the responsibilities of the Government of the Northwest Territories with regard to official languages. Many of the report's recommendations direct the government to take action with issues that have been identified by the Languages Commissioner. In most cases, the Languages Commissioner identified these issues because they were the subject of complaints or inquiries to the office.

The Languages Commissioner directed recommendations 4, 5, 6 and 7 to the Legislative Assembly. Recommendations 4, 6 and 7 ask for clarification regarding the act, and recommendation 5 asks for a review of the protocol for relations between government boards and agencies and the Languages Commissioner.

Committee Members expect that the government will address the issues of language of work, services to travellers, and application to third parties in the proposed official languages handbook, which will be discussed on page 8, and that negotiations between the government and the Languages Commissioner will address the issue of protocol. Therefore, the standing committee feels that it would be appropriate to await the government's approach to those issues before making any recommendations to the Assembly.

There are two other recommendations which committee Members feel would also best be dealt with through negotiations between the Languages Commissioner and the government.

Recommendation 14 suggests that the government have the sole responsibility of informing the public when there are changes or additions to acts, regulations, guidelines or policies relating to official languages, and recommendation 29 asks the government to conduct a thorough study of literacy and fluency in the Northwest Territories. While these are both important issues, the standing committee wants to see the Languages Commissioner and the government negotiate the responsibilities for these tasks between them. Certainly, the public should be made aware of legal and regulatory changes relating to official languages. But it should be simple enough for the Languages Commissioner and the government to work out a publicity strategy which would allow such information to be published without it being caught up in a turf battle. Similarly, if the Languages Commissioner and the government have disagreements about the need for studies related to

official languages in the NWT, they should be able to work them out and come to a satisfactory solution.

The Languages Commissioner made a number of recommendations which direct the government to take action in various areas related to the act. Most of these recommendations demand that the government provide better information to the public, and even to government departments and agencies, regarding the services available under the act. For example, recommendation 8 asks the government to, "clearly identify to which institutions...the Official Languages Act applies..." This is something that should have been done as soon as section 14 of the act was proclaimed at the end of 1992, along with making those institutions and the public aware of this identification.

Madam Speaker, I would like to ask if you can have Mr. Ballantyne carry on with the report.

MADAM SPEAKER:

Thank you. The honourable Member for Yellowknife North, Mr. Ballantyne.

MR. BALLANTYNE:

Thank you, Madam Speaker. Other recommendations refer to establishing and publishing guidelines for providing official languages services, (number 10), -- I'm going to mention a lot of numbers here, which are recommendations in these little boxes, which I'm not going to read. They're there if you're really interested in this -- publishing information on the act and official languages initiatives (number 11), clearly identifying offices where official languages services are available (number 15), and informing the public about standardized writing systems for native languages. These are all things the government should have done by now, and the standing committee is expecting the government to deal with these recommendations quickly.

In recommendation 9, the Languages Commissioner recommends that the government determine all acts and regulations which relate to official languages. The standing committee feels that the responsibility for this task should lie with the office of the Languages Commissioner, perhaps with assistance from the government's legislation division.

The Languages Commissioner also made two recommendations (numbers 12 and 13) related to the funding agreements with the Secretary of State. With

the hiring of a financial coordinator, the official languages unit appears to have met with recommendation 12. As well, it appears that the official languages unit is making an effort to give adequate direction to departments, thereby meeting recommendation 13. Committee Members suggest that the Languages Commissioner follow up on any future complaints from departments on an individual basis.

The government has frequently referred to an official languages handbook which, when completed, is supposed to contain all the guidelines and information necessary for government employees to start implementing provisions of the Official Languages Act. When this handbook is complete, the committee expects that it will address recommendations 8, 10, 11 and 15 mentioned above. The committee also expects that the handbook will spell out what government departments' responsibilities are

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under the act, including those responsibilities outlined by the Languages Commissioner's recommendations 16, 19, 20, 23 and 27.

The standing committee wants to see the official languages handbook completed as soon as possible, in order that it might be reviewed in conjunction with the next annual report of the Languages Commissioner.

Recommendation 4

The committee recommends that the government complete the official languages handbook by December 31, 1994.

In recommendation 26, the Languages Commissioner suggests that GNWT establish more training programs in official languages; not only for government employees, but also for members of the public. Committee Members feel that the best vehicle for providing language training for GNWT employees and members of the public, would be Arctic College. The college should especially focus on training people to teach official languages. Those so trained could then either teach through Arctic College or provide training privately. This would allow the government to use its resources as necessary to pay for training some employees, yet also allow members of the public to access official languages training at their own cost.

Madam Speaker, that concludes my part of this report. With your permission, I will turn over the next part of the report to Mr. Arvaluk.

MADAM SPEAKER:

Thank you. Prior to going to the next Member, I would like to introduce someone sitting in the gallery, Mayor Charlie Furlong from Aklavik. Welcome to the Assembly.

---Applause

The honourable Member for Aivilik, Mr. Arvaluk.

Other Recommendations Agreed To

MR. ARVALUK:

The standing committee considered recommendations 18, 21, 25 and 28 in the Languages Commissioner's report, and agree with the Languages Commissioner that the government should act upon them.

The Languages Commissioner's recommendation 18 refers to positions in the government where the incumbents provide services to the public in official languages. The standing committee agrees that these positions should not be left vacant, and should be filled as quickly as possible.

Recommendation 21 would provide toll-free numbers for northerners to call when seeking government services in official languages. The standing committee agrees with the Languages Commissioner that the government should investigate this further, with the minor amendment that an individual line for each official language might not be necessary. The demand might not dictate having one toll-free line for each official language, but current technology would make it possible for a single line to handle a number of languages. The committee expects that the Languages Commissioner, the official languages unit, and the language bureau will be able to develop a quick and effective solution to this recommendation.

In recommendation 25, the Languages Commissioner addresses the issue of adult literacy and fluency training. The standing committee agrees that the government, presumably, Department of Education, Culture and Employment, should make an effort to collect available materials and make them available to interested parties.

Recommendation 28 addresses the issue of Dene syllabics. While current practice is to write Dene languages in new standardized Roman orthographies, many elders learned to read and write in syllabic alphabets designed for the Dene languages. The government should be able to address this need to meet the needs of these elders.

Full Simultaneous Translation In The Legislative Assembly

In recommendation 17, the Languages Commissioner asks that the Assembly, "consider whether or not it is necessary to provide full simultaneous interpretation in the Legislative Assembly at all times and in all official languages..." This recommendation, which the Languages Commissioner admitted to being a controversial one, was based on concerns that providing full interpretation was too much of a strain on existing resources when the Assembly was in session.

Committee Members feel very strongly that full simultaneous interpretation is a fundamental part of the proceedings of the Legislative Assembly of the Northwest Territories. It is required by the Official Languages Act -- sections 9 and 10(3) effectively require full simultaneous interpretation -- and was the subject of a point of order raised in the House on October 26, 1989 when simultaneous translation in Dogrib was not available.

Full simultaneous translation also allows Members to serve as linguistic role models for their constituents. This is especially true since House proceedings started to be broadcast on the TVNC network. Committee Members noted that constituents are listening when their representatives speak in aboriginal languages. When constituents see and hear their elected representatives speaking in their own language in the House, their pride in their language is bound to increase. Providing Members the opportunity to do so by providing full simultaneous interpretation can only strengthen aboriginal languages in the Northwest Territories.

Madam Speaker, that concludes my portion of our presentation. With your permission, I would like to ask Mr. Patterson to continue the presentation of the report. Qujannamiik.

MADAM SPEAKER:

Thank you. The honourable Member for Iqaluit, Mr. Patterson.

Other Recommendations Rejected

MR. PATTERSON:

Thank you, Madam Speaker. The standing committee also disagreed with the Languages Commissioner's recommendations 22, 24 and 30.

Recommendation 22 in the report suggested reconsidering the current bilingual bonus policy and using the funds instead for language training

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programs. Since the bilingual bonus policy is part of the collective agreement with unionized government workers, the standing committee feels that passing on this recommendation would be inappropriate. Also, committee Members felt that the bilingual bonus policy is a more effective use of the government's limited resources than extensive language training. Therefore, the standing committee rejects recommendation 22.

In recommendation 24, the Languages Commissioner suggests adding a language criterion to the affirmative action policy. While the intent of the recommendation -- ensuring that more GNWT employees speak official languages other than English -- is admirable, the standing committee does not agree with the means proposed. Committee Members note that many GNWT employees meeting affirmative action criteria are already bilingual or unilingual in official languages other than English. We also note that some positions require abilities in the other official languages, and for these an affirmative action criterion for language would be redundant. Therefore, the standing committee rejects recommendation 24.

The Languages Commissioner's duty, as stated in subsection 20(1) of the act, is to ensure the appropriate use of official languages in the administration of the affairs of government institutions. Some government departments and agencies have a mandate to promote and enhance official languages and the Languages Commissioner also has a duty to oversee these activities.

However, committee Members feel that recommendation 30 needs further clarification. We recognize that the government has limited resources and needs to focus on ensuring that government departments and agencies themselves are providing appropriate services in official languages.

The standing committee feels it would be most appropriate for the government to use its available resources to set a strong example. This approach, along with encouragement of private sector solutions, would be most appropriate. Other organizations and groups can then look to the government as a model.

We acknowledge that the government has, in the past, assisted some businesses and non-government organizations with official languages needs. However, the standing committee feels this should only happen where there are no private sector options available and when such assistance would not interfere with the operational requirements of the government.

Finally, in appendix 3 of the report, the Languages Commissioner discusses the possible formation of an advisory council. Although not the subject of a formal recommendation, the topic was raised at committee hearings. The Languages Commissioner felt that the requirement of subsection 20(3) of the act to "meet not less than once a year with the representatives of such organizations as may be prescribed" required the establishment of a formal advisory council to receive advice from representatives of each official language.

Committee Members disagree. The original intent of subsection 20(3) was to ensure the Languages Commissioner would reach out to appropriate organizations to solicit advice. But this can be done without the establishment of a formal council. Individual meetings with representatives of appropriate organizations will satisfy the requirements of the act and at much less expense than creating a formal advisory council.

Madam Speaker, with your concurrence, Mr. Koe, the chairman, will conclude the report. Thank you.

MADAM SPEAKER:

Thank you. The honourable Member for Inuvik, Mr. Koe.

Conclusion

MR. KOE:

Mahsi, Madam Speaker.

In conclusion, the passage of the Official Languages Act, along with the initiatives undertaken by the government to promote official languages, is a significant milestone in northern and Canadian

history. The office of the Languages Commissioner has a significant and crucial role in ensuring that the goals expressed by these initiatives are realized by the government.

The standing committee recognizes that there will always be some growing pains with the establishment of a new office and position. Committee Members expect that the office of the Languages Commissioner will magnify its responsibilities and duties as it becomes more established and as the government grows to recognize its own responsibilities under the act.

The standing committee is pleased to be part of this growth and expects that the adoption of its recommendations will assist in promoting the use of official languages in the government and throughout the north.

Recommendation 5

The committee recommends that, in accordance with rule 93(5), the Executive Council table a comprehensive response to the recommendations contained in this report within 120 days of the presentation of this report in the House.

Madam Speaker, that concludes our report and I'd like to thank all the Members of the committee for the work they've done in preparing the report. Madam Speaker, that concludes the report of the Standing Committee on Agencies, Boards and Commissions.

Motion To Receive And Move Committee Report 11-12(6) To Committee Of The Whole, Carried

Therefore, I move, seconded by the honourable Member for Yellowknife Frame Lake, that the report of the Standing Committee on Agencies, Boards and Commissions, on its Review of the First Annual Report (1992-93) of the Languages Commissioner of the Northwest Territories be received by this Assembly and moved into committee of the whole. Mahsi cho.

---Applause

MADAM SPEAKER:

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

AN HON. MEMBER:

Question.

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MADAM SPEAKER:

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

---Carried

Item 12, reports of standing and special committees.
Item 13, reports of committees on the review of bills.
Item 14, tabling of documents. The honourable Member for Baffin South, Mr. Pudlat.

ITEM 14: TABLING OF DOCUMENTS

MR. PUDLAT:

(Translation) Thank you, Madam Speaker. I would like to table, Tabled Document 31-12(6), a letter written by one of my constituents, Mickey Akavak, a journeyman electrician from Lake Harbour, regarding the hiring of outside labourers for construction projects in our communities. Even though there are qualified labourers in our community, I would like my constituents to be a priority before they hire from the outside communities. Thank you.

MADAM SPEAKER:

Item 15, notices of motion. Item 16, notices of motions for first reading of bills. The honourable Member for Keewatin Centre, Mr. Todd.

ITEM 16: NOTICES OF MOTIONS

FOR FIRST READING OF BILLS

Bill 14: An Act To Repeal The Public Service Vehicles Act

HON. JOHN TODD:

Thank you, Madam Speaker. I give notice that on Monday, October 17, 1994, I shall move that Bill 14, An Act to Repeal the Public Service Vehicles Act be read for the first time.

MADAM SPEAKER:

Do you have another notice, Mr. Todd? Proceed.

Bill 13: An Act To Amend The Motor Vehicles Act

HON. JOHN TODD:

Thank you. I give notice on Monday, October 17, 1994. I shall move that Bill 13, An Act to Amend the Motor Vehicles Act be read for the first time. Thank you.

MADAM SPEAKER:

Thank you. Item 16, notices of motions for first reading of bills. The honourable Member for Mackenzie Delta, Mr. Nerysoo.

Bill 15: An Act To Amend The Legislative Assembly And Executive Council Act

HON. RICHARD NERYSOO:

Thank you, Madam Speaker. Madam Speaker, I give notice that on Monday, October 17, 1994, I shall move that Bill 15, An Act to Amend the Legislative Assembly and Executive Council Act be read for the first time.

MADAM SPEAKER:

Thank you. Item 16, notices of motions for the 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, An Act to Amend the Arctic College Act; Bill 8, An Act to Amend the Public Utilities Act, with Mr. Ningark in the chair.

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

CHAIRMAN (Mr. Ningark):

Thank you. The committee will come to order. When we concluded yesterday, we were considering Bill 6. What is the wish of the committee? Mr. Dent.

MR. DENT:

Thank you, Mr. Chairman. I would like to recommend to the committee that we continue consideration of Bill 6, and if we conclude that item to move on to Committee Report 7-12(6) and then Bill 7.

CHAIRMAN (Mr. Ningark):

Mr. Dent is recommending that we continue with Bill 6. Do we have the concurrence of the committee that we continue with that bill?

SOME HON. MEMBERS:

Agreed.

---Agreed

Bill 6: Access To Information And Protection Of Privacy Act

CHAIRMAN (Mr. Ningark):

We were finished with clause 4. Clause 5. Agreed? Oh, very important. At the witness table is the Minister. Mr. Minister, would you again like to bring in your witnesses to the witness table?

SOME HON. MEMBERS:

Agreed.

---Agreed

CHAIRMAN (Mr. Ningark):

Thank you. Sergeant-at-Arms, could you escort in the witnesses.

Thank you. Mr. Minister, for the record, would you introduce the witnesses to the committee.

HON. STEPHEN KAKFWI:

Mr. Chairman, thank you. On my left is the deputy minister of Justice, Don Avison. On my immediate right is Mark Aitken, legal counsel from the legislative division. The chair on his right will be taken by Mr. Sutton, director of policy, Department of Justice.

Clause By Clause

CHAIRMAN (Mr. Ningark):

Thank you, Mr. Minister, for the introduction.
Clause 5. Agreed?

SOME HON. MEMBERS:

Agreed.

--Agreed

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CHAIRMAN (Mr. Ningark):

Thank you. Clause 6.

SOME HON. MEMBERS:

Agreed.

--Agreed

CHAIRMAN (Mr. Ningark):

Clause 7. Mr. Minister.

HON. STEPHEN KAKFWI:

Mr. Chairman, we have a motion to suggest to amend clause 7.

CHAIRMAN (Mr. Ningark):

Mr. Minister, proceed.

Committee Motion 20-12(6): To Amend Clause 7,
Carried

HON. STEPHEN KAKFWI:

The motion reads that clause 7 of Bill 6 be amended by adding the following after subsection 2:

(3) The head of a public body shall give access to a record in the official language of the Northwest Territories requested by an applicant where

(a) the record already exists in the control of the public body in that language; or

(b) the head of a public body considers it to be in the public interest to have a translation of the record prepared in that language.

and

(4) An applicant shall not be required to pay a fee for the translation of a record.

This is the proposed amendment.

CHAIRMAN (Mr. Ningark):

Thank you, Mr. Minister.

HON. STEPHEN KAKFWI:

I would like to make a correction, as well. Where I was reading "official language of the territories," it should say "official language of the Northwest Territories."

Thank you, Mr. Minister. I believe you wanted to add...Mr. Minister, I believe when you read the motion you said "Northwest Territories." According to what is written here, it is "territories" but there is no "Northwest."

HON. STEPHEN KAKFWI:

Mr. Chairman, it's my mistake again. It should read as...I didn't read it properly, so I'll just read it again as it should go into Hansard.

(3) The head of a public body shall give access to a record in the official language of the territories requested by an applicant where...

That's the way it should be read.

CHAIRMAN (Mr. Ningark):

Thank you. A motion is recommended and the amendment is in order. Mr. Patterson.

MR. PATTERSON:

Thank you, Mr. Chairman. I would like to ask the Minister whether there were any estimates given of the amount of revenue that would be received from charging a fee for access requests. Thank you.

CHAIRMAN (Mr. Ningark):

Thank you. Mr. Minister.

HON. STEPHEN KAKFWI:

Mr. Avison will answer the question.

CHAIRMAN (Mr. Ningark):

Mr. Avison.

MR. AVISON:

Thank you, Mr. Chairman. In answer to the question, the answer is no. The estimates did not include any assessment of what the revenue might be from fees that would be levied. They are, in effect, a best guess of what would be generated and what the costs would be. Given that it's new legislation, we do not have a sense at this point other than through speculation of what kind of fees might be generated. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Ningark):

Thank you. To the motion. Mr. Patterson.

MR. PATTERSON:

Thank you, Mr. Chairman. Mr. Chairman, I'm sure that in preparing this legislation, the Minister and his staff canvassed the experience in other jurisdictions. I understand the reason for this amendment and that is to allow little people no barriers to applying for access to information. But I also understand, Mr. Chairman, that in other jurisdictions there has been a phenomena called "fishing," where special interest groups, media and sometimes just cantankerous people will basically file hundreds of requests fishing for information...and that in other jurisdictions there's been a fee imposed which would prevent these fishing expeditions and prevent harassment by media and other persons motivated by goals that are of self-interest and perhaps not in the public interest.

I would just like to ask the Minister, is his understanding that other jurisdictions do levy fees to prevent this kind of exploitation of the bill by unscrupulous persons?

CHAIRMAN (Mr. Ningark):

Thank you. Mr. Minister.

HON. STEPHEN KAKFWI:

Mr. Avison will answer the question.

CHAIRMAN (Mr. Ningark):

Mr. Avison.

MR. AVISON:

Thank you, Mr. Chairman. Under Bill 6, the legislation does come with a provision that would give the capacity to the head of a public body to require that a

fee be paid if information is requested of the government. It would be a discretionary capacity to request that a fee be paid. It may not be done in all cases, and that is the mechanism that would facilitate dealing with that type of situation.

It must be said, however, that that is not the kind of situation that is contemplated by the proposed amendment to clause 7, which would be designed to ensure that a record could be translated into an official language other than the language it was in, to provide for an understanding of the document by the person who has requested it.

The Member is quite correct in indicating that in other jurisdictions there have been significant difficulties with the making of frivolous applications or blanket applications, in some cases, which could otherwise generate a large volume of expense, and that is

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why the discretionary provision is contained in the bill. Thank you.

CHAIRMAN (Mr. Ningark):

Thank you. To the motion. Mr. Patterson, and I also have Mr. Arvaluk. Mr. Patterson.

MR. PATTERSON:

Thank you, Mr. Chairman. I think that's very helpful information. I now understand that there would be a fee paid in most circumstances, but in a special situation where a translation is required, by this amendment there will not be a fee required to pay for the translation of a record. I understand that now and am satisfied with that. Thank you.

CHAIRMAN (Mr. Ningark):

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

MR. ARVALUK:

Thank you, Mr. Chairman. Under the same section, section 7.2, duty to create documents, under (a) and (b), especially b), it reads, "creating a record would not necessarily unreasonably interfere with the operation of a public body." In your motion, it states that the applicant shall not be required to pay a fee for the translation of the record. If the material requested is 100 pages and it is available from the public body in one of the official languages, for example, English,

and it is requested in Inuktitut -- as you are allowing it to be in clause 7 -- is clause 7.2(b) saying it is going to interfere with the public body's load of work? Would that be considered, or would a translation be exempt from 7.2(b)?

CHAIRMAN (Mr. Ningark):

Thank you, Mr. Arvaluk. Mr. Minister.

HON. STEPHEN KAKFWI:

Mr. Aitken will answer the question.

MR. AITKEN:

Thank you, Mr. Chairman. Subsection 7.2 deals with circumstances where the applicant asks for a record to be created from something else, perhaps from a computer database or something else. Computer equipment can't create a record that doesn't already exist, but it can pull together information and put it into one record.

The translation provision is dealing with a separate instance where there is an existing record, or even one of these records that has been created, and the applicant wants to have that record translated into an official language. I don't think there is any conflict between the two provisions. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Ningark):

Thank you. To the motion. Mr. Arvaluk.

MR. ARVALUK:

Thank you, Mr. Chairman. The way I read 7.2(b) is that if there is too much work for the government, if we are interfering with the government because of the volume of work that has to be produced from requests, then the government will decide whether they should make up a contract or tell the person who is requesting it that theirs is an unreasonable request.

Would this section consider the Minister's amended motion, or would this be exempt? Would the translation provisions of this clause be exempt for that?

CHAIRMAN (Mr. Ningark):

Thank you. Minister Kakfwi.

HON. STEPHEN KAKFWI:

Mr. Chairman, if the applicant is asking for a specific document to be created and the document doesn't exist, that is what this provision deals with. It doesn't deal with a document that already exists. In any case, there is another provision that says if it is deemed in the public interest, that document could be produced. So, there is some provision to allow for the creation of a new record, but it also attempts to give us some protection from requests that would have us working to create documents that don't exist.

CHAIRMAN (Mr. Ningark):

Thank you. To the motion. The honourable Member for Aivilik.

MR. ARVALUK:

Thank you, Mr. Chairman. I understand, then, that if the record is available in English, then it must be provided in Inuktitut or a Dene language, for example, no matter how lengthy it may be, whether it is 100 pages or 200 pages.

I guess what I'm asking is if one of the divisional boards requested a statute, like the Education Act, in their own language so that they could thoroughly study it -- like the cultural inclusion program provision, for example, and how it relates to other curriculum development, or the comparative powers between the regular curriculum provisions and the cultural inclusion part of it -- then you have to produce that, if it is available in English. That's my question, Mr. Chairman.

CHAIRMAN (Mr. Ningark):

Thank you. Mr. Minister.

HON. STEPHEN KAKFWI:

Mr. Avison will answer the question.

CHAIRMAN (Mr. Ningark):

Mr. Avison, you have to talk.

MR. AVISON:

Thank you, Mr. Chairman. In the language of the proposed amendment it would not require that all documents be translated if there were a request for the document in another language other than the one that it already exists in. What it would do is give the

head of the public body the opportunity to have that document translated into another official language, to accommodate the request that has been made.

If a decision was taken in the public's interest not to do that, then that decision not to have the document translated could be reviewed. But it does not operate as a matter of course to require that in every case where a document is requested in another official language, other than the one that it is in, that a translation take place. Thank you.

CHAIRMAN (Mr. Ningark):

Qujannamiik. To the motion. Mr. Arvaluk.

MR. ARVALUK:

Then, there will be a requirement for the Commissioner to determine whether that is a valid denial to have it translated. What other avenue does the person requesting have to pursue? Would that have to come in the regulation that would be governed by the Commissioner?

CHAIRMAN (Mr. Ningark):

Merci. Mr. Minister.

HON. STEPHEN KAKFWI:

The Member points out, correctly, that it's subject to review. The Commissioner can take the

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government to task for failing to comply with a reasonable request, whatever "reasonable" would be in the eyes of the Commissioner. And whether or not, for instance, the request for translation of certain documents was reasonable, it would eventually come to this Legislature.

I think what we didn't point out yesterday, because we ran out of time, is what this legislation is going to do to the government, I would think we would begin very soon after, if it is enacted, to come up with some guidelines to help the head of public bodies such as deputy ministers to have guidelines by which to make these decisions. So there's overall policy that the government abides by in trying to comply with this request. Otherwise, we will have, possibly, a huge back-up of complaints and perhaps lots of difficulties because we're not complying in a uniform way.

The impact of this act would be to force the government to comply, and if not, then to be able to explain in some rational way why it is not complying across the board. It would, I think, force us to do that very quickly. And in these economic times, it would be arguably cheaper to comply where we should comply. Therefore, the argument would be made that we will work very hard and very quickly to create guidelines so it would help us with that so we don't come into conflict needlessly with this act.

CHAIRMAN (Mr. Ningark):

Thank you. To the motion. Please stick to the motion. I would like to remind the Members to stick to the motion. Mr. Arvaluk.

MR. ARVALUK:

Just a comment to the motion, for clause 7. Just a scenario right now that the Nunavut Implementation Commission probably will now start disseminating information, especially information on the existing GNWT acts and regulations that are in force for the communities to review and prepare for 1999. They can do that right now and they cannot force the government to translate them. They can request information now, they can get these acts and regulations now, but with the 1999 enforcement of this act, they may want to...At least they will know that if that material is not available in Inuktitut, because they will know this act, they may want to have these things translated.

I am a little bit leery about what additional costs we'll have to claim from that because NIC probably will have the responsibility to inform the communities quite intensively as public education, here is what the government's existing laws are that you must abide by. These existing laws that are in force will be transferred or grandfathered when Nunavut comes about in 1999. These will become common law of Nunavut, unless repealed; but then again, that's very difficult.

I have no right not to support this clause, but I am nervous that this might be misused like other clauses might be misused as Mr. Patterson stated, because with this bill we're putting the government or the Legislative Assembly in the vulnerable position for abuse by those who want to, unless there is, as the deputy minister stated, another section protecting that. But it will be a questionable kind of protection that the government will have. Just a comment, Mr. Chairman.

CHAIRMAN (Mr. Ningark):

Thank you, Mr. Arvaluk. To the motion.

AN HON. MEMBER:

Question.

CHAIRMAN (Mr. Ningark):

Question is being called. All those in favour of the motion, please signify. Thank you. All those Members who are opposed to the motion, please signify. The motion is carried.

---Carried

Clause 7, as amended. Agreed?

SOME HON. MEMBERS:

Agreed.

---Agreed

CHAIRMAN (Mr. Ningark):

Thank you very much. Clause 8 of Bill 6. Agreed?

SOME HON. MEMBERS:

Agreed.

---Agreed

CHAIRMAN (Mr. Ningark):

Thank you. Clause 7. Pardon me, I'm going backwards here. I was trying to ensure that somebody had their hand up or hand down, so I was temporarily distracted. Clause 9. Agreed?

SOME HON. MEMBERS:

Agreed.

---Agreed

CHAIRMAN (Mr. Ningark):

Thank you. Clause 10 of the act.

SOME HON. MEMBERS:

Agreed.

---Agreed

CHAIRMAN (Mr. Ningark):

Thank you. Clause 11. Agreed?

SOME HON. MEMBERS:

Agreed.

---Agreed

CHAIRMAN (Mr. Ningark):

Thank you. Clause 12.

SOME HON. MEMBERS:

Agreed.

---Agreed

CHAIRMAN (Mr. Ningark):

Merci. Clause 13. Mr. Patterson.

MR. PATTERSON:

Thank you, Mr. Chairman. Just one question about this. This has to do with the whole business of disclosing information on negotiated contracts. I think the Minister of Public Works has committed to providing that information through the commitments to the Standing Committee on Finance and elsewhere. I'm just wondering, Mr. Chairman, would this section 13 in any way prevent this kind of disclosure being made by the Minister as he has agreed to do? Is this likely to be something that reveals Cabinet deliberations and is thereby privileged?

CHAIRMAN (Mr. Ningark):

Thank you, Mr. Patterson. Mr. Kakfwi.

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HON. STEPHEN KAKFWI:

Mr. Chairman, the intent of the section is to protect the confidence of the recommendations to Executive Council by staff, briefing documents, minutes of deliberations by Cabinet and Members of the Executive Council. But it does not limit the capacity of Ministers, for instance, to share information with Members of this Legislature. This section deals with how applicants who, for instance, request minutes of Executive Council meetings will be dealt with. Thank you.

CHAIRMAN (Mr. Ningark):

Thank you. Clause 13. Agreed?

SOME HON. MEMBERS:

Agreed.

---Agreed

CHAIRMAN (Mr. Ningark):

Thank you. Clause 14.

SOME HON. MEMBERS:

Agreed.

---Agreed

CHAIRMAN (Mr. Ningark):

Merci. Clause 15.

SOME HON. MEMBERS:

Agreed.

---Agreed

CHAIRMAN (Mr. Ningark):

Thank you. Clause 16 of the act. Agreed?

SOME HON. MEMBERS:

Agreed.

---Agreed

CHAIRMAN (Mr. Ningark):

Thank you. Clause 17.

SOME HON. MEMBERS:

Agreed.

---Agreed

CHAIRMAN (Mr. Ningark):

Thank you. Clause 18.

SOME HON. MEMBERS:

Agreed.

---Agreed

CHAIRMAN (Mr. Ningark):

Merci. Mahsi cho. Clause 19.

SOME HON. MEMBERS:

Agreed.

---Agreed

CHAIRMAN (Mr. Ningark):

Clause 20.

SOME HON. MEMBERS:

Agreed.

---Agreed

CHAIRMAN (Mr. Ningark):

Clause 21.

SOME HON. MEMBERS:

Agreed.

---Agreed

CHAIRMAN (Mr. Ningark):

Thank you. Clause 22 of the act.

SOME HON. MEMBERS:

Agreed.

---Agreed

CHAIRMAN (Mr. Ningark):

Clause 23.

SOME HON. MEMBERS:

Agreed.

---Agreed

CHAIRMAN (Mr. Ningark):

Thank you. Clause 24.

SOME HON. MEMBERS:

Agreed.

---Agreed

CHAIRMAN (Mr. Ningark):

Qujannamiik. Clause 25.

SOME HON. MEMBERS:

Agreed.

---Agreed

CHAIRMAN (Mr. Ningark):

Thank you. Clause 26.

SOME HON. MEMBERS:

Agreed.

---Agreed

CHAIRMAN (Mr. Ningark):

Thank you. Clause 27.

SOME HON. MEMBERS:

Agreed.

---Agreed

CHAIRMAN (Mr. Ningark):

Clause 28.

SOME HON. MEMBERS:

Agreed.

---Agreed

CHAIRMAN (Mr. Ningark):

Thank you. Clause 29.

SOME HON. MEMBERS:

Agreed.

---Agreed

CHAIRMAN (Mr. Ningark):

Thank you. Clause 30.

SOME HON. MEMBERS:

Agreed.

---Agreed

CHAIRMAN (Mr. Ningark):

Thank you. Clause 31.

SOME HON. MEMBERS:

Agreed.

---Agreed

CHAIRMAN (Mr. Ningark):

Clause 32.

SOME HON. MEMBERS:

Agreed.

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---Agreed

CHAIRMAN (Mr. Ningark):

Thank you. Clause 33.

SOME HON. MEMBERS:

Agreed.

---Agreed

CHAIRMAN (Mr. Ningark):

Thank you. Clause 34.

SOME HON. MEMBERS:

Agreed.

---Agreed

CHAIRMAN (Mr. Ningark):

Thank you. Clause 35.

SOME HON. MEMBERS:

Agreed.

---Agreed

CHAIRMAN (Mr. Ningark):

Clause 36.

SOME HON. MEMBERS:

Agreed.

---Agreed

CHAIRMAN (Mr. Ningark):

I have Mr. Arvaluk and Mr. Patterson. Mr. Patterson.

MR. PATTERSON:

Thank you, Mr. Chairman. Perhaps I should have asked this one under general comments, but it has to do with the Information and Privacy Commissioner. I just want to ask one question about this. Mr. Chairman, I had a chance to review the private Members' bill Mr. Gargan tabled which was defeated in July 1991. I notice it was only 11 pages long. This bill we're dealing with is 44 pages long. I understand that the reason the bill before the House is so much longer is that Mr. Gargan's bill had government departments responsible for giving out information rather than this Information and Privacy Commissioner.

I'd just like to ask the Minister, Mr. Chairman...This Information and Privacy Commissioner and the bureaucracy have annual costs of hundreds of thousands of dollars a year. Do we really need them? Couldn't you just require, as Mr. Gargan's bill did, each government department, by law, to be forced to give out this information and go to the courts to force it if they don't? I would just like to know, couldn't we save ourselves a whole lot of money and extra clauses and a whole lot of bureaucracy by dispensing with this office and just getting each government department and each deputy minister accountable for delivering information within their existing departmental resources. Why was that rejected in designing this bill?

CHAIRMAN (Mr. Ningark):

Qujannamiik. Mr. Minister.

HON. STEPHEN KAKFWI:

Mr. Chairman, there are a couple of differences with the original initiative by Mr. Gargan three years ago. This bill here is much more specific in the definition of what can and can't be done, and what is limited and what is accessible and under what conditions. This also provides for the element of privacy which was not a major element in the original initiative by Mr. Gargan. It provided largely for access, but did not give provisions for protecting the privacy of individuals and third parties.

The other element is that this bill provides for the creation of an office of Commissioner and that was not provided for. Other than that, the original initiative was very general in nature compared to what we have here. It's true, this is very specific and therefore much longer. Thank you.

CHAIRMAN (Mr. Ningark):

Mahsi cho. Clause 37, Mr. Patterson.

MR. PATTERSON:

If I could just get an answer to one part that wasn't answered. We have a Privacy Commissioner. I see the pay is over \$100,000 a year. Do we really need that? Why can't we just require, by law, that every government department is required to deliver this information? Mr. Lewis said the other day it's there, it's a matter of faxing or Xeroxing the information. Why don't we just require every department, by law, to give out this stuff? Why do we need a Commissioner and staff and an independent officer to do that? Why not keep it simple, cheap, and just make it a requirement of each deputy minister and his department to develop the mechanism to deliver that information? Wouldn't that be a cheaper, easier way of doing it? Thank you.

CHAIRMAN (Mr. Ningark):

I guess we wanted to do everything in an organized and mannerly fashion. Mr. Minister.

HON. STEPHEN KAKFWI:

Thank you, Mr. Chairman. The Standing Committee on Legislation reviewed this matter and made a couple of suggestions by which to have requests reviewed. One of the options they suggested was the creation of an office of Commissioner for this purpose, so that's the one we elected to take. In any case, they're referring everything to the courts, in many cases where they're frivolous it would be discarded. But it also would take up expensive time of expensive people, people who are already over-taxed, in my opinion, with work that is essential to the well being of the community and society in general.

There is still recourse to the courts if decisions that are made that are considered contravening to this act. But other than that, we've allowed for the provision that a request that is not complied with, which is considered to be a reasonable request, shall be reviewed by the Commissioner and recommending to us that we comply. If not, then the deputy minister,

for instance, specifically, can be held accountable to this Legislature upon report of the Commissioner.

CHAIRMAN (Mr. Ningark):

Clause 37.

SOME HON. MEMBERS:

Agreed.

---Agreed

CHAIRMAN (Mr. Ningark):

Thank you. Clause 38.

SOME HON. MEMBERS:

Agreed.

---Agreed

CHAIRMAN (Mr. Ningark):

Thank you. Clause 39.

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SOME HON. MEMBERS:

Agreed.

---Agreed

CHAIRMAN (Mr. Ningark):

Thank you. Clause 40. Agreed?

SOME HON. MEMBERS:

Agreed.

---Agreed

CHAIRMAN (Mr. Ningark):

Agreed. Clause 41.

SOME HON. MEMBERS:

Agreed.

---Agreed

CHAIRMAN (Mr. Ningark):

Thank you. Clause 42.

SOME HON. MEMBERS:

Agreed.

---Agreed

CHAIRMAN (Mr. Ningark):

Mahsi cho. Clause 43.

SOME HON. MEMBERS:

Agreed.

---Agreed

CHAIRMAN (Mr. Ningark):

Mahsi. Clause 44.

SOME HON. MEMBERS:

Agreed.

---Agreed

CHAIRMAN (Mr. Ningark):

Thank you. Clause 45.

SOME HON. MEMBERS:

Agreed.

---Agreed

CHAIRMAN (Mr. Ningark):

Qujannamiik. Clause 46.

SOME HON. MEMBERS:

Agreed.

---Agreed

CHAIRMAN (Mr. Ningark):

Qujannamiik. Clause 47. Mr. Gargan.

MR. GARGAN:

Going back to clause 45, this is a section where I made the mistake of thinking it had to do with job interviews and things like that, with information gathered with job interviews and reasons for a person not being hired. Those things would not be available to a person, right?

When I made a rebuttal to Mr. Patterson's thoughts on the bill, I said if a person wants to find out why he didn't get a job, you can find it out under this clause, but I guess that's not going to be the case.

CHAIRMAN (Mr. Ningark):

That was a point you were trying to make, it was not a question, right, Mr. Gargan?

MR. GARGAN:

No.

CHAIRMAN (Mr. Ningark):

Right on. Clause 47. Agreed?

SOME HON. MEMBERS:

Agreed.

---Agreed

CHAIRMAN (Mr. Ningark):

Thank you. Clause 48 of Bill 6.

SOME HON. MEMBERS:

Agreed.

---Agreed

CHAIRMAN (Mr. Ningark):

Clause 49.

SOME HON. MEMBERS:

Agreed.

---Agreed

CHAIRMAN (Mr. Ningark):

Thank you. Clause 50 of the act.

SOME HON. MEMBERS:

Agreed.

---Agreed

CHAIRMAN (Mr. Ningark):

Thank you. Clause 51.

SOME HON. MEMBERS:

Agreed.

---Agreed

CHAIRMAN (Mr. Ningark):

Thank you. Clause 52.

SOME HON. MEMBERS:

Agreed.

---Agreed

CHAIRMAN (Mr. Ningark):

Clause 53.

SOME HON. MEMBERS:

Agreed.

---Agreed

CHAIRMAN (Mr. Ningark):

Thank you. Clause 54.

SOME HON. MEMBERS:

Agreed.

---Agreed

CHAIRMAN (Mr. Ningark):

Clause 55.

SOME HON. MEMBERS:

Agreed.

---Agreed

CHAIRMAN (Mr. Ningark):

Clause 56.

SOME HON. MEMBERS:

Agreed.

---Agreed

CHAIRMAN (Mr. Ningark):

Thank you. Clause 57.

SOME HON. MEMBERS:

Agreed.

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---Agreed

CHAIRMAN (Mr. Ningark):

Thank you. Clause 58.

SOME HON. MEMBERS:

Agreed.

---Agreed

CHAIRMAN (Mr. Ningark):

Thank you. Clause 59.

SOME HON. MEMBERS:

Agreed.

---Agreed

CHAIRMAN (Mr. Ningark):

Clause 60.

SOME HON. MEMBERS:

Agreed.

---Agreed

CHAIRMAN (Mr. Ningark):

Thank you. Clause 61.

SOME HON. MEMBERS:

Agreed.

---Agreed

CHAIRMAN (Mr. Ningark):

Clause 62.

SOME HON. MEMBERS:

Agreed.

---Agreed

CHAIRMAN (Mr. Ningark):

Thank you. Clause 63.

SOME HON. MEMBERS:

Agreed.

---Agreed

CHAIRMAN (Mr. Ningark):

Clause 64.

SOME HON. MEMBERS:

Agreed.

---Agreed

CHAIRMAN (Mr. Ningark):

Thank you. Clause 65 of Bill 6.

SOME HON. MEMBERS:

Agreed.

---Agreed

CHAIRMAN (Mr. Ningark):

Thank you. Clause 66.

SOME HON. MEMBERS:

Agreed.

---Agreed

CHAIRMAN (Mr. Ningark):

Thank you. Clause 67.

SOME HON. MEMBERS:

Agreed.

---Agreed

CHAIRMAN (Mr. Ningark):

Qujannamiik. Clause 68.

SOME HON. MEMBERS:

Agreed.

---Agreed

CHAIRMAN (Mr. Ningark):

Thank you. Clause 69.

SOME HON. MEMBERS:

Agreed.

---Agreed

CHAIRMAN (Mr. Ningark):

Thank you. Clause 70.

SOME HON. MEMBERS:

Agreed.

---Agreed

CHAIRMAN (Mr. Ningark):

Qujannamiik. Mr. Kakfwi.

HON. STEPHEN KAKFWI:

Mr. Chairman, before we conclude this bill, I would like to ask if we could consider another motion, which would meet with the concerns raised by Mr. Patterson yesterday, about whether this act would impede or limit the functions of Members of the Legislative Assembly in carrying out their duties? If he feels strongly about it, we could propose a motion to make an amendment.

CHAIRMAN (Mr. Ningark):

Thank you. Mr. Patterson.

MR. PATTERSON:

Mr. Chairman, I appreciate the Minister's offer on this. I would just like to explain that I raised the question and some other questions while this bill was on the floor of this House, because I think sometimes when problems arise in the future -- which I hope won't be the case -- courts or other people look to the records of the Legislature when the bill was being considered to find out what was in the minds of legislators at the time.

I'm quite satisfied with the assurances that were put on record yesterday by the Minister that this bill is not intended to interfere with the rights and privileges of a Member and that, in fact, the particular clause -- I think it was 3(2)(a) -- contemplates the whole range of practices and privileges that are now in place. I'm

very happy that that clear statement was on the record. It satisfied me, and I would respectfully say that I don't need any further reassurance.

The bill is long enough as is. I don't think we need to add to it. Thank you, Mr. Chairman.

---Laughter

CHAIRMAN (Mr. Ningark):

Thank you. Clause 70.

SOME HON. MEMBERS:

Agreed.

---Agreed

CHAIRMAN (Mr. Ningark):

Clause 71.

SOME HON. MEMBERS:

Agreed.

---Agreed

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CHAIRMAN (Mr. Ningark):

Thank you. Clause 72.

SOME HON. MEMBERS:

Agreed.

---Agreed

CHAIRMAN (Mr. Ningark):

Clause 73.

SOME HON. MEMBERS:

Agreed.

---Agreed

CHAIRMAN (Mr. Ningark):

Thank you. We're getting there. Clause 74.

SOME HON. MEMBERS:

Agreed.

---Agreed

CHAIRMAN (Mr. Ningark):

Mr. Arvaluk.

MR. ARVALUK:

Thank you, Mr. Chairman.

MR. PATTERSON:

One last gasp.

MR. ARVALUK:

Do you want me to stand up?

---Laughter

Mr. Chairman, I need your direction before I proceed with this. I am planning to make a motion, Mr. Chairman, but can this motion be debated at this time?

CHAIRMAN (Mr. Ningark):

Thank you, Mr. Arvaluk. It depends what the content of the motion is, whether it is debatable or non-debatable. We won't know what the motion is. Mr. Arvaluk.

MR. ARVALUK:

Thank you, Mr. Chairman. My motion will be to amend the bill by deleting clause 74 and replacing it, Mr. Chairman.

CHAIRMAN (Mr. Ningark):

Mr. Arvaluk, if you wish to make a motion now to amend clause 74, this is the appropriate time. Mr. Arvaluk.

Committee Motion 21-12(6): To Delete Clause 74 Of Bill 6, Defeated

MR. ARVALUK:

Thank you, Mr. Chairman. I move that Bill 6 be amended by deleting clause 74 and substituting the following: "This act comes into force except subsection 4(2) on December 31, 1999."

CHAIRMAN (Mr. Ningark):

Thank you, Mr. Arvaluk. Do you have a copy of your motion to be distributed to the Members of the committee?

MR. ARVALUK:

Mr. Chairman, I have my copy, but I don't have other copies, nor is it translated.

SOME HON. MEMBERS:

Shame.

---Laughter

CHAIRMAN (Mr. Ningark):

Thank you. I believe we need a translation of the motion. We will take a five minute break while the translation is being done. Okay? Thank you.

---SHORT RECESS

CHAIRMAN (Mr. Ningark):

Thank you. Before we broke, Mr. Arvaluk made a motion here and the motion is written and translation is available. I'd like the Minister responsible...Mr. Arvaluk, you were wondering if the motion would be debatable. The motion is debatable. Mr. Arvaluk, to the motion.

MR. ARVALUK:

(Translation) Mr. Chairman, I don't have to read the motion again. Thank you, Mr. Chairman. The motion I moved has different reasons, but I would like to say at the beginning that I'm not against this act, Bill 6, and it's very useful, but we don't have to do it in a hurry. It doesn't have to become law right away. The present Legislative Assembly has said many times that this particular act has been dealt with a number of times before. I feel that this act might create problems with some people in the territories, especially the Nunavut area. This act will come into effect before 1999. It will be enforced in 1996. We don't be able to change it and especially the Nunavut people will not be able to change the act.

We all know that whenever an act is enforced, it's very hard to make amendments to it. We all know, Mr. Chairman, and somebody has mentioned it already -- that if the Nunavut people don't like it, we

could delete it. It's easier said than done. You can't make amendments to an act after it's been enforced.

Another reason that I have for producing this motion is the government, during the budget session, mentioned that this year and in following years, they will not be spending any money on programs that are not necessary. It seems Bill 6 could be enforced and it's not necessary to be used at the present time.

Also, I would like to say, in conclusion, that Bill 6 is very complicated and it has 74 sections and it was very difficult to deal with, as we found out. It's going to be very difficult to be understood by ordinary people. Also, I believe Mr. Gargan had a private Member's bill with regards to access to information. It doesn't really coincide with the act Mr. Gargan originally wanted to introduce. I feel that Mr. Gargan's private Member's bill was directed to the people and it was not set up by the government.

I'm not saying that I'm against the particular bill, but I just want the Nunavut people to be able to have an opportunity to look at the legislation because there are a lot of things that need to be dealt with before the Nunavut government comes into effect. Especially, because there is a lot of territorial legislation in place at the present time.

This particular bill will have to be followed by the people of Nunavut. They're going to try to find out how clause 7 affects them. Some people are going to be asking how come you Nunavut MLAs are agreeing with this certain legislation and I won't be able to argue with them. I'm just trying to say let's give it a try and enforce it on December 31, 1999. Thank you.

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CHAIRMAN (Mr. Ningark):

Thank you, Mr. Arvaluk. Once the motion was put on the floor, I should have indicated that the motion was in order, for the record. The chair declares the motion is in order. To the motion. Mr. Dent.

MR. DENT:

Thank you, Mr. Chairman. I will be voting against this motion and would hope that the majority of other Members will. I think this bill is long overdue. Mr. Gargan first introduced this bill in 1990. It's taken us four years to get it back on the floor and into discussion again. I think there are a lot of people who will think that the two-year implementation period is way too long. If we're talking about delaying it to

1999, it's almost ten years that it would take to get a bill into force that a lot of people feel is very, very important to ensuring openness and accountability in government.

Mr. Chairman, I just would like to encourage other Members to vote against the amendment. Mr. Chairman, I'd like to request a recorded vote.

CHAIRMAN (Mr. Ningark):

Thank you. To the motion. Mr. Ng.

MR. NG:

Thank you, Mr. Chairman. My constituents supported the Access to Information Act and I support it, as well. I have some reservations on the cost that had been outlined by Members previously to this particular motion. I know that the legislation that comes forward might not be perfect. There will be an opportunity for amendments by the 13th Assembly and possibly by the Nunavut Assembly if they adopt the same legislation. Or it can be repealed at that time by the Nunavut Assembly if they don't think it is adequate or suits the purposes of Nunavut constituents. So I will be voting against the amendment, as well, Mr. Chairman.

CHAIRMAN (Mr. Ningark):

Thank you. To the motion, Mr. Patterson.

MR. PATTERSON:

Thank you, Mr. Chairman. I've heard several honourable Members state that the act is needed and people want it. What I haven't heard in my term in this Assembly are great issues raised about denial of information. I haven't heard even the strong advocates of this bill stand up in this House and say the government is refusing to give my constituents information, the government is refusing to give me information. I have not heard any of those complaints. At least, I don't recall hearing any of those complaints.

So, I'm wondering to myself, what is the great mischief that we're correcting here with this bill? To me, it hasn't been an issue. I'm in committees where information can be obtained readily...

AN HON. MEMBER:

(Microphone turned off)

MR. PATTERSON:

I'm speaking to the motion, Mr. Chairman. The motion would delay the implementation of this bill. And, I'm saying that for the last three years that I've participated -- and I would like to think fairly actively -- in this Legislature, I haven't heard any problems that have resulted from lack of access to information.

If there haven't been any problems for the last three years, will there be any problems for the next five? That's my question in responding to this amendment, Mr. Chairman. I have not heard access to information as an issue in this Legislature. So, I'm wondering, what's the rush?

I also want to say, Mr. Chairman, that I would like to think that the Nunavut government will not operate in such a climate of confrontation, and such an adversarial spirit, that people will be required to use independent Commissioners to obtain information about the workings of that government. I would like to think that we won't have that climate of confrontation and that, in fact, information that is sought about public business will be readily given.

I suspect that the people of Nunavut, like my constituents, will not be clamouring for such privileges and rights, especially if they have to make the trade-off between housing, jobs, and social programs. Mr. Chairman, I think the effect of this amendment would be that the Nunavut government would not inherit this bill, because it would not be a law enforced in the Northwest Territories on April 1, 1999. It would not be enforced until December, 1999 and, at that time, it would only be enforced in the western territory. It would not automatically be enforced by Nunavut.

Frankly, I'm hoping that the Nunavut government will be an efficient, lean, effective government, unencumbered by bureaucracies and expensive agencies that will cost a lot of money. I would just be as happy to see Nunavut start up as the Northwest Territories started up, without this bureaucracy and this office. If it becomes necessary in due course, then that government will have the option to enact such legislation, but I don't think it is something that is going to be required, as a priority, by the people of Nunavut. In any of the discussions I've heard about the Nunavut government and what we want to see in the Nunavut government, people are not clamouring for a strong access to information bill. That, so far, has not been an issue. Just as I have not seen it an issue in this Legislature.

I know it was an issue in the last territorial election. I know it was an issue in the previous Assembly.

AN HON. MEMBER:

(Microphone turned off)

MR. PATTERSON:

That's what I said, I know it was an issue. But, I'm saying, Mr. Chairman, that I have not seen any problems that have occurred since the election...

CHAIRMAN (Mr. Ningark):

Mr. Patterson...Mr. Nerysoo, do you have a point of order?

HON. RICHARD NERYSOO:

No, but I was going to ask for a...I can't ask for a motion, so...

CHAIRMAN (Mr. Ningark):

Thank you. Mr. Patterson, resume.

MR. PATTERSON:

Mr. Chairman, I'm gathering from the sotto voce comments...

SOME HON. MEMBERS:

Ohh...

---Laugh

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MR. PATTERSON:

...that my eloquent remarks are falling on deaf ears. So, I'm not going to say anything more.

---Applause

But, I'm going to be here, -- perhaps in the gallery -- before December 31, 1996 to see just how the next Assembly pays for this expensive and convoluted labyrinth bureaucracy that is envisioned here. Perhaps some day I'll be proud that I asked a few questions, even though they were not welcomed by some Members in this chamber, because I think that we may -- and I hope we're wrong -- have the same experiences other jurisdictions have; that despite all the best intentions, this thing was hijacked by special

interest groups, the media, and didn't make life any better for the people we most care about in our communities.

I hope I'm wrong, but I'm pleased I had the chance to make these comments yesterday and today on this bill, Mr. Chairman. Thank you.

CHAIRMAN (Mr. Ningark):

Thank you, very much. On the list of speakers I have Mr. Ballantyne and Mr. Ng. Mr. Ballantyne, to the motion.

MR. BALLANTYNE:

Mr. Chairman, I would like to make a motion. I move that we conclude...

AN HON. MEMBER:

(Microphone turned off)

MR. BALLANTYNE:

This motion is good any time. I move that we conclude this item.

CHAIRMAN (Mr. Ningark):

Thank you. Mr. Ballantyne, would you repeat your motion, please?

Motion To Extend Sitting Hours, Carried

MR. BALLANTYNE:

It is clear to me now. Mr. Chairman, I move that we continue debate until we conclude Bill 6.

CHAIRMAN (Mr. Ningark):

The motion is in order to extend the sitting hours until we conclude the item. To the motion.

MR. SCHAUERTE:

It is not debateable.

CHAIRMAN (Mr. Ningark):

All those in favour, please signify in the usual manner. The motion is carried. We will extend the hours until the item is concluded. Mr. Ballantyne, to the motion.

MR. BALLANTYNE:

I have just a brief comment to make. Although I respect the motion put forth by Members from Nunavut -- he has some valid reasons -- I cannot support the motion. We've talked about freedom of information since 1990. I supported Mr. Gargan's bill in 1990. My constituents now, only very reluctantly, would accept a two-year delay. They would find a four-year delay would mean that we are not serious about this particular bill.

I have made a comment that I am concerned about the cost, but never have my comments meant that I wanted to delay it. A lot of people have made their concerns known to the Minister. The Minister has said that he will do his very best to keep those costs to a minimum. I'm satisfied with that response. So, I will, Mr. Chairman, vote against this motion. Thank you.

CHAIRMAN (Mr. Ningark):

Thank you. The honourable Member for Kitikmeot, Mr. Ng. To the motion.

MR. NG:

Mr. Chairman, I spoke already on it, but if you want me to repeat myself, I could.

---Laughter

CHAIRMAN (Mr. Ningark):

Thank you. I was informed that you had your hand up earlier. To the motion.

AN HON. MEMBER:

Question.

CHAIRMAN (Mr. Ningark):

Question has been called. A recorded vote was called for. All those in favour of the motion, please rise.

Recorded Vote

CLERK OF THE HOUSE (Mr. Hamilton):

Mr. Arvaluk, Mr. Pudlat, Mr. Pudluk, Mr. Allooloo, Mr. Patterson.

CHAIRMAN (Mr. Ningark):

You may sit down. All those against the motion, please rise.

CLERK OF THE HOUSE (Mr. Hamilton):

Mr. Dent, Mr. Ballantyne, Mr. Gargan, Mr. Zoe, Mr. Koe, Mr. Antoine, Mr. Ng, Mr. Arngna'naaq, Ms. Mike, Mr. Kakfwi, Mr. Todd, Mr. Nerysoo, Mr. Whitford.

CHAIRMAN (Mr. Ningark):

Please sit down. All those abstaining, please rise. The vote is five for the motion, 13 against the motion and no abstentions, in this case. The motion is defeated.

---Defeated

Clause 74 of Bill 6. Agreed?

SOME HON. MEMBERS:

Agreed.

---Agreed

CHAIRMAN (Mr. Ningark):

Bill as a whole.

SOME HON. MEMBERS:

Agreed.

---Agreed

CHAIRMAN (Mr. Ningark):

Does the committee agree that Bill 6 is ready for third reading as amended?

SOME HON. MEMBERS:

Agreed.

---Agreed

CHAIRMAN (Mr. Ningark):

Thank you. Bill 6 is now ready for third reading as amended. I will recognize the clock since it is now 2:00. I will rise and report progress on your behalf.

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MADAM SPEAKER:

I'll call the House back to order. The honourable Member for Natilikmiot, Mr. Ningark.

ITEM 21: REPORT OF COMMITTEE OF THE WHOLE

CHAIRMAN (Mr. Ningark):

Thank you, Madam Speaker. Madam Speaker, your committee has been considering Bill 6, and would like to report progress that Bill 6 is ready for third reading, as amended. Madam Speaker, I move that the report of committee of the whole be concurred with. Thank you.

MADAM SPEAKER:

Secunder for the motion. The honourable Member for Inuvik, Mr. Koe. To the motion.

AN HON. MEMBER:

Question.

MADAM SPEAKER:

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

---Carried

Item 22, third reading of bills. The honourable Member for Mackenzie Delta, Mr. Nerysoo.

HON. RICHARD NERYSOO:

Thank you, Madam Speaker. Could I ask the Members for unanimous consent to return to item 4, returns to oral questions.

MADAM SPEAKER:

Thank you. The honourable Member for Mackenzie Delta is seeking unanimous consent to return to item 4, returns to oral questions. Are there any nays?

SOME HON. MEMBERS:

(Microphones turned off)

MADAM SPEAKER:

Proceed, Mr. Nerysoo.

REVERT TO ITEM 4: RETURNS TO ORAL QUESTIONS

Further Return To Question 132-12(6): Liquor Restrictions In Fort Simpson

HON. RICHARD NERYSOO:

Thank you, and thank you, honourable colleagues. No, the issue can't wait until Monday because it is going to be dealt with on Monday. It is a return to an oral question asked by Mr. Antoine today, October 14, 1994, regarding the petition for liquor restrictions in Fort Simpson.

Further to the question raised by the honourable Member for Nahendeh, Mr. Antoine, earlier today, I have now received a copy of the motion from the village of Fort Simpson. The motion states the following, which I am told is the wording on the ballot: It reads, "the following question will be put to the electors at the upcoming municipal election: 'Are you in favour of continuing the present liquor rationing system in Fort Simpson. Answer yes or no.'"

In reply to the specific question asked by the honourable Member, would this question on the ballot constitute a plebiscite, the answer is a definitive no. To hold a plebiscite is an entirely different process which is laid out in the sections of the Liquor Act that deal with local options. Thank you, Madam Speaker.

MADAM SPEAKER:

Thank you. Item 4, returns to oral questions. Item 22, third reading of bills. Item 23, orders of the day, Mr. Clerk.

ITEM 23: ORDERS OF THE DAY

CLERK OF THE HOUSE (Mr. Hamilton):

Madam Speaker, there are meetings on Monday morning at 10:30 of the Ordinary Members' Caucus and at 12:00 noon of the full Caucus.

Orders of the day for Monday, October 17, 1994.

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
 - Bill 13, An Act to Amend the Motor Vehicles Act
 - Bill 14, An Act to Repeal the Public Service Vehicles Act
 - Bill 15, An Act to Amend the Legislative Assembly and Executive Council Act
 19. Second Reading of Bills
 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
- Page 299
- 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

- Committee Report 10-12(6), Report on the Review of the

1995-96 Capital Estimates

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

- Bill 2, Aboriginal Custom Adoption Recognition Act

- Bill 3, Guardianship and Trusteeship Act

- Bill 7, An Act to Amend the Arctic College Act

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

21. Report of Committee of the Whole

22. Third Reading of Bills

- Bill 6, Access to Information and Protection of Privacy Act

23. Orders of the Day

MADAM SPEAKER:

Thank you. This House stands adjourned until Monday, October 17, 1994, at 1:30 pm.

---ADJOURNMENT