



**NORTHWEST TERRITORIES
LEGISLATIVE ASSEMBLY**

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**THURSDAY, FEBRUARY 16,
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Speaker: The Hon. Samuel Gargon

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MEMBERS PRESENT

Mr. Allooloo, Mr. Antoine, Mr. Arvaluk, Mr. Ballantyne, Hon. Nellie Cournoyea, Mr. Dent, Hon. Samuel Gargan, Hon. Stephen Kakfwi, Mr. Koe, Mr. Lewis, Mrs. Marie-Jewell, Ms. Mike, Hon. Don Morin, Hon. Richard Nerysoo, Hon. Kelvin Ng, Mr. Ningark, Mr. Patterson, Hon. John Pollard, Mr. Pudlat, Hon. John Todd, Mr. Whitford, Mr. Zoe

ITEM 1: PRAYER

---Prayer

SPEAKER (Hon. Samuel Gargan):

Thank you, Mr. Pudlat. Item 2, Ministers' statements. Mr. Kakfwi.

ITEM 2: MINISTERS' STATEMENTS

Minister's Statement 14-12(7): Canada's First Ambassador For Circumpolar Affairs

HON. STEPHEN KAKFWI:

Thank you, Mr. Speaker. Canada's first ambassador for circumpolar affairs, Mary Simon, is visiting Yellowknife today and tomorrow, the 16th and 17th of this month.

Ambassador Simon is well-known to Members of this Assembly for her work as past-president of the Inuit Circumpolar Conference and for her role over the past decade in national constitutional negotiations.

For several years, this government has supported the call for an ambassador for circumpolar affairs as a means of elevating and strengthening Canada's Arctic diplomacy. We had also stressed the importance of appointing a northerner to this post. Therefore, we were extremely pleased when Ms. Simon was appointed by Foreign Affairs Minister, Andre Ouellet, in October 1994.

Ambassador Simon will ensure that the federal government has a northern circumpolar perspective in the development and conduct of Canada's foreign policy. She is to be commended for moving quickly to consult with northern aboriginal peoples and governments which have a background in circumpolar affairs.

Until recently, Canada's foreign policy interests in the Arctic region were centred around Canadian sovereignty and strategic concerns. However, as the recently-released federal government statement on foreign policy states: "The focus in the Canadian Arctic is increasingly on non-traditional security threats. Canada's recent appointment of an ambassador for circumpolar affairs will increase the focus on such threats."

The new concerns include such matters as threats to the environment with the resulting costs for traditional ways of life of aboriginal peoples.

One of the purposes of Ambassador Simon's visit to Yellowknife this week is to advise this government and the Members of this Assembly about her duties and mandate as Canada's circumpolar ambassador.

In addition, she will be updating us on a Canadian foreign policy objective which is very important for this region; namely, the establishment of an "Arctic Council." The Arctic Council would be comprised of eight Arctic governments: Canada, the United States, Denmark, Finland, Iceland, Norway, Russia and Sweden; and would provide a forum for promoting international cooperation and for addressing the full range of Arctic issues.

The Government of the Northwest Territories has also supported the creation of an Arctic council which would include the participation of aboriginal peoples.

The United States has not yet agreed to join the Arctic council initiative. Their willingness to participate is seen as essential by most of the other circumpolar nations. Ambassador Simon has been to Washington and Alaska and will be updating us on her discussions with them on this and other issues.

Finally, Mr. Speaker, the ambassador's visit will provide this government and this Assembly with an opportunity to discuss with her our circumpolar concerns and priorities. I want to take this opportunity, again, to congratulate Mary Simon on her appointment to this important post, and to express our willingness to work with her over the next few days and in the coming months and years. Thank you.

---Applause

MR. SPEAKER:

Thank you, Mr. Kakfwi. I also would like to recognize Mary Simon, Canada's first ambassador to circumpolar affairs, in the Speaker's gallery.

--Applause

Item 2, Ministers' statements. Ms. Cournoyea.

Minister's Statement 15-12(7): Portfolio Responsibilities

HON. NELLIE COURNOYEA:

I wish to advise the Members that the Honourable Kelvin Ng will be responsible for the Department of Municipal and Community Affairs, effective today. Thank you.

--Applause

MR. SPEAKER:

Our congratulations, Mr. Ng. Item 2, Ministers' statements. Mr. Kakfwi.

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Minister's Statement 16-12(7): Justice Ministers' Meeting

HON. STEPHEN KAKFWI:

Thank you, Mr. Speaker. Last month, in January, I attended a meeting of Ministers of Justice in Victoria, British Columbia. We were joined on the last day of that three-day meeting by Ministers of Health from a number of provinces to address issues of common interest, particularly the challenge of finding solutions for dealing with high-risk and violent offenders who we feel are likely to offend again upon being released from prison.

The agenda for the meetings was extremely ambitious, covering a wide range of areas in the reform of justice, both in the criminal law and the civil law. There were three agenda items which I want to report on, because of their significance to Members and the people of the north: firearms control, the intoxication defence and the Young Offenders Act.

Ministers discussed the proposed amendments to the Criminal Code in the area of gun control. The Ministers of Justice from Saskatchewan, Alberta, the Yukon and the Northwest Territories have identified a common position with respect to universal registration of all firearms. We are opposed to universal registration and have expressed our opposition on numerous occasions to Minister Rock. We believe it is an unwarranted intrusion into the lives of people who are not criminals, and there is no evidence that it

will in fact reduce crime with firearms. The cost, we believe, cannot be justified at a time when other more worthwhile programs are being cut.

I also expressed that there will inevitably be challenges from aboriginal people on the basis that universal registration does not meet the requirements of the Sparrow decision of the Supreme Court.

The four western jurisdictions took the position that the proposed regime be introduced on a pilot basis in those jurisdictions which support universal registration. We received some support for that approach, but not from the federal government, which is determined to proceed with the proposed changes as they were. As you know, legislation was tabled in the House of Commons on the 14th of this month. The Northwest Territories, along with these other jurisdictions, will continue to press for changes to ensure that they do not infringe on the rights and the lifestyles of all northerners.

Last fall, the northern public reacted with horror at the decision of the Supreme Court in the Daviault case, where the court ruled that extreme drunkenness approaching automatism or insanity can be a defence to crimes of violence; in that case, sexual assault. The federal government promptly undertook a consultation and review to determine legislative options for dealing with this unfortunate result.

In Victoria, I informed my colleagues that we had the highest rate of sexual assault in the country, and that these assaults were often committed in a state of extreme drunkenness. The decision of the Supreme Court has left women feeling unsafe. The only option is to legislate a removal of extreme drunkenness as a defence to violent crimes. All jurisdictions supported this position, and I was also encouraged by the response of Minister Rock. I am optimistic that the federal government will take appropriate action to address the issue in the current session of Parliament.

All jurisdictions, including the Northwest Territories, feel that changes are needed to the Young Offenders Act, but we, like other jurisdictions, feel that amendments to the act should not be made until a thorough review has been conducted through the Parliamentary Committee on Justice and Legal Affairs and the Federal/Provincial/Territorial Task Force on Young Offenders.

Unfortunately, the federal government is determined to proceed with the current amendments in Bill C-37,

against our better advice, and the advice of the vast majority of intervenors in the hearings on those amendments. We have a number of concerns on the proposed amendments and have expressed those to the federal government. The NWT is represented on the federal/provincial/territorial task force which is undertaking a thorough review of the young offender system, including the act, where we continue to pursue our concerns.

The meeting that we had was lively, because the pace of legal reform these days is hectic compared to the more tranquil past. I welcome the commitment for reform, but it will inevitably bring the federal government into conflict with provincial and territorial jurisdictions if the federal government is excessively hasty in proposing changes because of the political pressures of the day. This, I believe, is the case with the proposed firearms legislation. On the other hand, we cannot move too quickly to address the effects of the drunkenness defence brought about by the Supreme Court decision. Thank you.

---Applause

MR. SPEAKER:

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

ITEM 3: MEMBERS' STATEMENTS

Member's Statement On The A Y Jackson Painting Collection

MR. WHITFORD:

Thank you, Mr. Speaker, and please allow me to offer my congratulations to Mr. Ng on his appointment to the Cabinet. I, like my colleagues, wish him well and look forward to working with him in whatever portfolios he receives. He has only got one now, but we will look forward to working with the others as he gets them.

Mr. Speaker, growing up in Fort Smith and attending the public schools there, I recall the very large prints of the rugged Canadian landscapes painted by the Group of Seven Canadian artists dominating our walls. Included among those prints were some of the works of A Y Jackson. Mr. Speaker, Members will know that Jackson spent considerable time as a painter in the Northwest Territories, painting such scenes as the Great Slave Lake countryside, the village of Dettah, the young city of Yellowknife, CMNS and Giant Mines, as they were then; and, while at

Great Bear Lake, the Eldorado Mine at Point Radium, the countryside around Port Radium, Great Bear Lake and landscapes.

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A Y Jackson's paintings have captured forever the beauty, strength, colour and ruggedness of the northern landscapes for future generations. While most of his paintings were kept by the Department of Resources and Development and in the Eldorado collection, a few ended up in private collections. In recent years, our government has been reacquiring these valuable collections, bit by bit. In 1988, most were returned to the north to be housed until a suitable gallery could be found. More recently, they were reunited with the Eldorado collection of some 90 pieces.

In late January, the Commissioner most generously agreed to display them in our Caucus room; a room very well suited and much visited by the public. Mr. Speaker, I sincerely hope that now that we have this permanent Assembly building, the A Y Jackson collection will also have a permanent home here in the place of the people, so that the public can also enjoy this northern asset. I believe this was the intention of the patrons of the collection and I would like to thank the Commissioner for her forethought and generosity in returning the A Y Jackson works to the people of the north. Thank you.

---Applause

MR. SPEAKER:

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

Member's Statement On Birthing Centre In Taloyoak

MR. NINGARK:

Thank you, Mr. Speaker. I would like to, first of all, congratulate you on your successful bid to the office of the Speaker and my colleague from the Kitikmeot, Kelvin Ng. Congratulations. I would like to thank the Members who voted for my colleague and thank the Members who ran for the Cabinet position.

Mr. Speaker, Taloyoak, formerly Spence Bay, has been endeavouring to establish a birthing centre as a service to expectant mothers in that vicinity; namely, Gjoa Haven, Pelly Bay and Taloyoak. Mr. Speaker, we all know this requires very careful consideration especially when we are dealing with an issue of

potential medical complications to expectant mothers and unborn babies.

Mr. Speaker, what benefit do we expect from a facility such as a birthing centre? Perhaps we can cut costs by not sending pregnant women away from home. Of course, this is not the main issue in this case. Mr. Speaker, the issue is, let us give some freedom of choice to pregnant mothers, if they are so inclined to do so. Mr. Speaker, the concept of building birthing centres in the regions is of very good merit. There are experienced midwives who are aboriginal people who have given birth in camps, without the help of medical practitioners. Mr. Speaker, during the appropriate time, I will be asking the appropriate Minister some questions about this issue. Thank you.

---Applause

MR. SPEAKER:

Item 3, Members' statements. Ms. Mike.

Member's Statement On Violence And The Justice System

MS. MIKE:

Thank you, Mr. Speaker, my colleagues and honourable Members. Most of you are aware, through the media, of an incident which happened to me on December 24th of last year when I was the victim of violence in trying to stop a fight. This incident happened between 11:00 am and 12:00 noon. Mr. Speaker, I feel I was victimized twice: Once by the offender; and, once by our government when I was asked to step down from my Cabinet post by our Premier.

Mr. Speaker, I am making this statement not in haste but with the concern I have in the way in which our Premier has exercised her authority in dismissing her Cabinet Ministers in the past. It has not been consistent, nor in line with parliamentary procedures, nor in the tradition of this government. Other jurisdictions have procedures in place that, over time, have been tried and tested.

Mr. Speaker, what I would like to say to my colleagues, the citizens of the NWT, and especially my constituents is this: After the incident on the 24th of December, upon my return to Yellowknife on December 27th, I informed our Premier in detail of the incident, whereby she advised me to get in touch with the Cabinet deputy minister. Again, I told him in detail about the incident. I was assured not to worry,

although I did indicate that if the press got a hold of it, they would make more of it than what it was.

Mr. Speaker, this was on December 27th. It wasn't until January 10th, when news of the incident came out through CBC, that I heard concerns from our Premier. Mr. Speaker, there was an investigation done on events surrounding the incident and the results...

MR. SPEAKER:

I'm sorry, Ms. Mike. Ms. Mike.

MS. MIKE:

Can I ask for unanimous consent to complete my Member's statement?

MR. SPEAKER:

Ms. Mike is seeking unanimous consent to conclude her statement. Are there any nays? Ms. Mike, go ahead.

MS. MIKE:

Thank you, Mr. Speaker, and my colleagues. Mr. Speaker, there was an investigation done surrounding the incident and the results were announced by the RCMP that there would be no further charges laid, other than the charges that I laid against my offender.

Mr. Speaker, I have never asked for special treatment, nor am I asking now. I don't want my colleagues to think this is what it is; asking for special treatment. It isn't. If anyone should admit their mistakes, I would be the first one in line to do so. I know in this territory of ours, we have a large population of honest people who many of us are proud of, and I have always tried not to lose sight of that.

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a Member, was upholding the belief we talked about; unfortunately, I was victimized for it.

Finally, I would like to thank my constituents for being with me every step of the way while I was going through this turmoil. Thank you very much. Qujannamiik. Mahsi cho.

---Applause

MR. SPEAKER:

Thank you, Ms. Mike. Item 3, Members' statements.
Mr. Lewis.

Member's Statement On Absence From The House

MR. LEWIS:

Thank you very much, Mr. Speaker. You know very well that I take my work very seriously as one of your three table officers, and I would like to report to you, Mr. Speaker, that in the early hours of this morning, I found an overwhelming desire to eat some bacon. To do that, you have to have a very sharp knife, which I sharpened. But in the middle of that operation, instead of sharpening the knife, I ended up cutting my finger very deeply; my left thumb. Since I've never believed in being a burden on the health system, I always look after my own needs, look after my own health, as much as I can.

Since then, I've realized that when you cut yourself to the bone, you should really go to see the doctor. So on the advice of several people that I've met this morning and this afternoon, I will in fact be away for an hour or two this afternoon. But if required, Mr. Speaker, I will still be available to serve you in any way I can when we get to committee. Thank you very much.

---Applause

MR. SPEAKER:

Thank you, Mr. Lewis. Item 3, Members' statements.
Mr. Ng.

Member's Statement On Appointment Of
Commissioner Helen Maksagak

HON. KELVIN NG:

Thank you, Mr. Speaker. On Monday, January 16th, the Honourable Helen Maksagak was sworn in as the Commissioner of the Northwest Territories. Many of us, other guests, along with Ms. Maksagak's husband, John, her four daughters and her three sons were also privileged to be able to attend the ceremony and reception held afterwards in our great hall.

I'm also pleased to announce that on February 1st, the community of Cambridge Bay hosted a feast and entertainment evening that was well attended, to honour Ms. Maksagak in her appointment as the first Inuk, first female and first Nunavut resident to be bestowed the honour of serving as Commissioner. This community event was attended by mayors,

councillors and leaders from throughout the Kitikmeot, as there was a regional council meeting being held during that same week.

I would like to congratulate the Honourable Helen Maksagak on her appointment. Kitikmeot residents are proud of her accomplishment, and I ask all Members to join me in wishing

---Applause

MR. SPEAKER:

Thank you. Item 3, Members' statements. Mr. Antoine.

Member's Statement On Importance Of MLAs' Liaison
With Communities

MR. ANTOINE:

Mahsi, Mr. Speaker. I just wanted to share with Members in the House my constituency travel, which I just concluded recently. As you all know, I represent six communities. I think it's safe to say that it's the most communities that I have to represent in the House here. From February 1st to the 12th, I had the opportunity to travel to all the six communities by road and winter road with a vehicle. I just wanted to say that upon visiting all the communities, each community is very busy. There is a lot of potential for growth in each community, and members of the community leadership are working very hard in trying to make life better for people in communities. There is a lot of concern out there.

I've been to Fort Liard and Nahanni Butte, where we opened a new assembly hall on which I will make a separate Member's statement about later on.

In Fort Simpson, I asked my constituency assistant to find a date during that week where I could have a meeting and he was told that Tuesday would be a very good day. When the meeting came around, I found out there were six other meetings going on in that small community. So that's just an example of how busy people are in the communities. Everybody has their own concerns, they're working on their own projects, they have their own businesses and so forth.

During this trip to the communities, I had the opportunity to meet with various community leaders as well as individuals and elders. At the formal meetings, they are very important, and I had the opportunity to visit a lot of different groups and different people in the communities.

I just want to say, Mr. Speaker, that I consider these community meetings to be one of the most important responsibilities of MLAs. Even though, Mr. Speaker, we're all involved with other obligations as MLAs, the concerns and issues brought to our attention by our constituents take priority over all other matters. That's the way I regard my responsibility. I just wanted to share that with you. Mahsi.

---Applause

MR. SPEAKER:

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

Member's Statement On Student Residences

MR. PATTERSON:

Thank you, Mr. Speaker. Mr. Speaker, speaking in reply to my question yesterday about whether decisions would be made about student residences in the regions, in advance of completion of the Avery, Cooper study, the Minister of Education, Culture and Employment, Mr. Nerysoo, stated that, "No final determinations have been made." This clearly

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suggests to me that nothing has yet changed and all options are open until the study is completed and the recommendations can be considered. This is the same message Mr. Nerysoo gave in committee of the whole this past fall.

However, I understand that the proposed new funding formula for student accommodation will make drastic changes to the funds available to support student residences effective April 1, 1995. For example, I'm told by the Baffin divisional board that the new funding formula provides \$7 per day per student for food, yet actual costs in Pond Inlet and Iqaluit are now \$13 a day and \$21 a day for food. The formula provides for about one staff member for each 12 students; yet present staffing levels are higher. By the way, the Ukiivik Residence in Iqaluit certainly does not have 19 staff members for 15 students; it has only nine. I wonder which residence the Minister was talking about in this House yesterday when he said it had 19 staff members for 15 students.

Mr. Speaker, I want to ask Members of this House, how can the Minister say, on the one hand, that "no final determinations have been made," quoting his words, when the boards have been given notice in

writing of a new funding formula for this coming fiscal year, this past December. I would like to also ask, why is the Minister undertaking an expensive study and inviting everyone, including boards of education and Members of this House, to participate in good faith in this review and assuring us that no decision has been made to close the residences when the new funding formula has already been put in place. I am going to call on the Minister to honour his pledges in this House. Thank you, Mr. Speaker.

---Applause

MR. SPEAKER:

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

Member's Statement On Appointment Of Ambassador Mary Simon

MR. BALLANTYNE:

Thank you, Mr. Speaker. Today, I want to join other Members in congratulating Mary Simon, who last fall was appointed as Canada's first ambassador for circumpolar affairs. This appointment illustrates both the importance of the Arctic region as the globe evolves, from the former bi-polar world of the United States and the Soviet Union, into a world where regions take on much more importance.

The ambassador, in her talk with us today at noon, talked about her first goal as ambassador, which is to create an Arctic council which will consist of eight northern countries: Canada; United States; Russia; and, a number of the Scandinavian countries, who will join together to discuss areas of mutual interest, whether it is trade, the environment, defence, et cetera. It is interesting because the Canadian government is embarking on new foreign policy concepts and this gives the northern people of Canada an opportunity for the first time to play a much more important role in Canada's foreign policy. If the Arctic council goes ahead, which I hope it will, people of the Northwest Territories, especially aboriginal people in the Northwest Territories will have, for the first time, a significant role to play in determining the foreign policy of our country.

So I see it as a tremendous opportunity for the people of the Northwest Territories. I also see it as a unifying factor of the Northwest Territories, where much of our politics tends to divide us as we are separating into two territories and as the western Arctic goes through

constitutional discussions. By our involvement in the circumpolar world, we will find areas that can unite us. I also say that our government and Legislative Assembly, presently Mr. Kakfwi, deserve a lot of credit for the ongoing support that they have given to the whole concept of strengthening the circumpolar world.

With that, Mr. Speaker, I would like to offer my congratulations to Mary Simon. I am sure she will do a tremendous job as our ambassador to the Arctic world. Thank you.

---Applause

MR. SPEAKER:

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

Member's Statement On Cutback Of GLOs In Communities

MR. PUDLAT:

(Translation) Thank you, Mr. Speaker. I am going to ask this question again. I had raised this question yesterday with regard to GLOs -- government liaison officers -- in the communities. Their positions are going to be terminated in the near future. I would like the government to give consideration to what positions might be established to take their place. Perhaps they could come under another title, not GLO. There will be a cutback on their salaries and I think they are very important. I feel we haven't been given enough time to think about this and have our say. I am asking Cabinet to think about the replacement of these GLOs. Thank you, Mr. Speaker.

---Applause

MR. SPEAKER:

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

Member's Statement On Treatment Of Jurors

MR. KOE:

Mahsi, Mr. Speaker. Mr. Speaker, periodically we get calls from our constituents on issues that disturb them or issues they wish to talk about and have us raise in our various committees or in the House. This one particular day, I believe it was during the Warren trial,

one of the jurors collapsed from exhaustion and it was front-page news in the newspapers and also on the radio.

This particular elder from the Delta called me just after that because he was sitting in his bush camp listening to the radio and he heard the reports on the jurors who were sequestered. They were locked up in one of the hotels, under guard, had no access to radio, television or telephones. They couldn't talk to their families or anyone else. This individual was very concerned on how we treat people who serve on juries because of their limited access once the sequestering takes place. He was comparing the treatment of these people to the treatment that we give to the so-called criminals. They have access to TV, telephones, radios and visitors.

It really makes one thing clear about how our justice system works and how we treat people who are providing a public service. You don't have a lot of

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people lining up to serve on committees and juries. With that, he was also concerned -- and it is a concern of mine -- that in the proposed Judicature Act, there was a proposal to cut the fees that we pay to jurors and people who are called up for the so-called "cattle call." I oppose these cuts and will vote when that comes up in the legislation. Mahsi.

---Applause

MR. SPEAKER:

Thank you, Mr. Koe. Item 3, Members' statements. Mrs. Marie-Jewell.

Member's Statement On Methods Of Awarding GNWT Tenders

MRS. MARIE-JEWELL:

Thank you, Mr. Speaker. Mr. Speaker, following up from my colleague, the honourable Member for Yellowknife Frame Lake, yesterday in his statement, my honourable colleague stated that he was "shocked" with regard to the awarding of a tender. Mr. Speaker, I have reviewed a few tenders and I must say that I am quite appalled at the way the tenders are being awarded. Mr. Speaker, I want to give a few examples to this House with respect to the awarding of tenders and the methods being used, which I can't understand.

First of all, I will speak to the electrical contract which was awarded and received by Clark-Bowler and DPW in December. There were four bids on the electrical contract: First, the electrical contractor, Standard Electric; Amity Electric; F-S One Call; and, ADCO North.

It was decided that Standard Electric's bid was non-responsive. The second lowest bidder was F-S One Call. However, they decided to withdraw their contract because they had left something out of their tender document. The local steering committee, which I commend for all of the volunteer work that they have done, requested DPW and Clark Bowler to consider giving the tender to a local company in Fort Smith, who was Amity Electric. Amity Electric's suggested tender bid was \$445,000 and planned to use fully local content.

However, ADCO North was awarded the bid for \$438,000 and planned to use only \$157,000 local content. So, it was decided to award the tender, by DPW and Clark-Bowler to ADCO North because it was \$7,000 lower than the local contractor Amity Electric, even though Amity Electric was going to use \$288,000 more local content. The recommendation from the steering committee was denied because the local contractor was \$7,000 more and ADCO North was awarded the contract from Yellowknife.

Mr. Speaker, I seek unanimous consent to continue with my Member's statement.

MR. SPEAKER:

The honourable Member is seeking unanimous consent. Are there any nays? There are no nays. Please proceed, Mrs. Marie-Jewell.

MRS. MARIE-JEWELL:

Thank you, Mr. Speaker. I want to assure my honourable colleague from Yellowknife Frame Lake that Yellowknife contractors are actively being considered. But, Mr. Speaker, when I give the second example, I understand why my colleague from Yellowknife Frame Lake is concerned and shocked by the situation.

The interior finishing tender was tendered twice. After opening the first tender of five components, Clark-Bowler and DPW again recommended to go back out to tender so they could only receive one tender.

The bidders were asked to submit a combined price and, as a result, all the tenders were placed into one.

The following results were given: Rainbow Holdings' adjusted tender price was \$304,000; Salt Rivers' adjusted price was \$314,000; ARC Interior Systems' adjusted price -- who was awarded the tender -- was \$355,000. So, DPW and Clark-Bowler awarded the contract to ARC Interior Systems for \$40,880 more, over a local contractor. It amazes me how DPW and Clark Bowler could find \$40,000 to bring in a southern contractor, but couldn't find \$7,000 to award to a local contractor on another tender project. Mr. Speaker, I find that appalling. Thank you.

MR. SPEAKER:

Thank you, Mrs. Marie-Jewell. Item 3, Members' statements. Mr. Alloo.oo.

Member's Statement On Appointment Of Ambassador Mary Simon

MR. ALLOOLOO:

(Translation) Thank you, Mr. Speaker. First of all, I would like to congratulate Mary May Simon, she is going to be our ambassador from the Arctic to the Circumpolar Conference. I understand she is very well known by Greenland and Yupik residents. She is very well known by all of us in the north and also the people of Samie Nation in the Circumpolar Conference. I understand she is going to be very helpful. She is going to be a good representative and a good leader. She used to be President of ICC, the Inuit Circumpolar Conference, and she was also a leader of other organizations, including a major leader of land claims initiatives. I feel we are going to be represented by her very well. Thank you, Mr. Speaker.

MR. SPEAKER:

Thank you, Mr. Alloo.oo. Item 3, Members' statements. Mr. Nerysoo.

Member's Statement On Recognition Of Long-Term Health Care Employees

HON. RICHARD NERYSOO:

Thank you, Mr. Speaker. On a more positive note, Mr. Speaker, I want to rise to pay tribute to three distinguished Gwich'in women who are all originally from Fort McPherson, one presently living in Fort McPherson and two living in Inuvik. These three women have provided public services, and have received recognition from this government, for over 25

years to the people of the Northwest Territories in the Inuvik region.

First, Mary Kaye, who has worked with the Fort McPherson and now William Firth Health Centre for 25 years; her sister, Shirley Charlie Kaye, who has worked with the Inuvik General Hospital originally and now the regional hospital for 25 years; and, finally, their cousin Elizabeth Crawford Hansen who has taught in such communities as Deline, Fort McPherson, Inuvik, both at SAMS and the Samuel Hearne High School. I want to indicate that all have provided 25 years of distinguished public service to the Northwest Territories and I wanted to pay them respects and give them recognition.

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AN HON. MEMBER:

Hear, hear.

---Applause

MR. SPEAKER:

Thank you, Mr. Nerysoo. Item 3, Members' statements. Item 4, returns to oral questions. Mr. Morin.

ITEM 4: RETURNS TO ORAL QUESTIONS

Return To Question 43-12(7): Results Of Investigation Into Nova Construction

HON. DON MORIN:

Thank you, Mr. Speaker. I have a return to question asked by Mr. Patterson on November 16, 1994 regarding results of investigation of Nova Construction.

On November 16, 1994, Mr. Patterson, the Member for Iqaluit asked if the results of an investigation of Nova Construction would be provided to this Assembly. Mr. Patterson's concerns were the adherence to the business incentive policy and whether requirements in the contract to use "Operation Sealift" were honoured by the contractor.

Mr. Speaker, I have responded to Mr. Patterson by way of a letter dated December 2, 1994. A full evaluation of the project will be carried out once the contract is complete. The project is expected to be complete in April 1995. Once I have received all the information, I will advise Mr. Patterson and Members

of the House on the results of the investigation. Thank you.

MR. SPEAKER:

Thank you. Item 4, returns to oral questions. Item 5, recognition of visitors in the gallery. Mr. Patterson.

ITEM 5: RECOGNITION OF VISITORS IN THE GALLERY

MR. PATTERSON:

I would like to recognize Mr. Ben MacDonald and congratulate him on his great interest in the affairs of the Legislative Assembly. Thank you.

---Laughter

---Applause

MR. SPEAKER:

Item 5, recognition of visitors in the gallery. Mr. Ningark.

MR. NINGARK:

Thank you, Mr. Speaker. Mr. Speaker, I would like to recognize a very special person, my better half, Celine, and two of my grandchildren.

---Applause

MR. SPEAKER:

Thank you, Mr. Ningark. Item 5, recognition of visitors in the gallery. Mr. Ng.

HON. KELVIN NG:

Thank you, Mr. Speaker. I would like to, once again, recognize the Honourable Helen Maksagak, Commissioner, and her husband, John.

---Applause

MR. SPEAKER:

Thank you. Item 5, recognition of visitors in the gallery. Item 6, oral questions. Mr. Patterson.

ITEM 6: ORAL QUESTIONS

Question 64-12(7): Northerners' Concerns Reflected In Proposed Firearms Legislation

MR. PATTERSON:

Thank you, Mr. Speaker. My question is for the Minister of Justice. Mr. Speaker, we all know that the federal Minister of Justice tabled new gun control legislation this week. Through the good offices of Mr. Kakfwi, the federal Minister had a chance to directly hear concerns of Members of this House regarding the potential impact of this new legislation on northerners, particularly those who maintain a traditional lifestyle. We told him how people use guns, how they share firearms, et cetera. I would like to ask the Minister of Justice, who I believe has had a chance to review this complicated piece of legislation, if he feels that the concerns expressed this past fall by northerners and Members of this Assembly were heard and are reflected in this proposed legislation? Thank you.

MR. SPEAKER:

Minister of Justice, Mr. Kakfwi.

Return To Question 64-12(7): Northerners' Concerns Reflected In Proposed Firearms Legislation

HON. STEPHEN KAKFWI:

Mr. Speaker, on just an initial review of the legislation -- a more detailed, analytical review is taking place now, in consultation with other provincial governments -- it is my initial impression that most of the concerns we had -- although they may have been clearly understood and received by the federal government -- are not reflected in this legislation. There were perhaps only two areas where changes may have been made. But for the most part, our concerns about registration were: We felt registration was not necessary; it was going to be costly; impossible to implement; and, was a major intrusion into the lives of northern people and into the lifestyle of aboriginal people in particular. And that registration is going to go ahead as planned.

As I said, most of the concerns we had have not, on first review, been dealt with by the federal government. The legislation is tabled, it is going to be taken up by the Standing Committee on Justice and Legal Affairs and they will be having hearings across the country. We will be inviting them to come and hear northerners first hand. Perhaps at that time, we will not only be heard loud and clear but also, we will have some political movement to meet the concerns that we will be expressing again. Thank you.

MR. SPEAKER:

Thank you, Mr. Kakfwi. Item 6, oral questions. Mr. Ningark.

Question 65-12(7): NWT Residents' Concerns Re Proposed Firearms Legislation

MR. NINGARK:

Thank you, Mr. Speaker. My question is to the same Minister, the Minister of Justice. To some gun owners, a gun is regarded as a toy, sometimes it is regarded as a show piece, sometimes it is used for evil deeds. But for community people of the NWT, it is a hunting tool used as a means of survival. Like my colleague, Mr. Patterson, I would like to ask the Minister responsible for Justice -- he has outlined some of the key points that the NWT people made concerns about -- my question is, what are these other key points -- that he did not answer to

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Mr. Patterson's question -- that people are concerned about in the NWT?

MR. SPEAKER:

Thank you. Minister of Justice, Mr. Kakfwi.

Return To Question 65-12(7): NWT Residents' Concerns Re Proposed Firearms Legislation

HON. STEPHEN KAKFWI:

Thank you, Mr. Speaker. The registration proposal that the federal government has entailed in this piece of legislation will make it mandatory for all of us to register our rifles and our guns by the year 2003. Failure to do so will be a serious criminal offence. It will require that each of us that wishes to use a gun and to hold one, will be required to apply for a possession permit and failure to do so will also be a serious criminal offence.

The provisions for sentencing under this part, as we see it, are very, very serious. So if you fail to register your guns or if you are in possession without having a possession permit or you are in possession of a gun that is not registered under your name, you are subject to the criminal code that says the sentence will be a maximum of 10 years. On a second offence, the minimum sentence will be a year. On the third and forth sentence, the minimum will be two years. This is not a light suggestion by the federal Minister; it means that, theoretically, all of us will be committing criminal offences on a regular basis.

Every time, for instance, a hunter leaves his gun in the boat of a friend that he is hunting with, he is leaving it in the possession of someone else; he will be committing a criminal offence. Every time you use your father's gun or a relative or friend's gun and it doesn't belong to you, you are committing a criminal offence. Every time you store a gun in the protection of someone else's home, a cabin, a tent, a truck, a boat, a skidoo, you will be committing a criminal offence. So it is not a light matter that we are discussing here, there are very, very heavy implications for all northern people and particularly for aboriginal people.

We had extensively discussed with the federal Minister a requirement that there should not be one national safety course for firearms, that in the Northwest Territories aboriginal people use guns from an early age on a regular basis, and we do have our own programs for training in firearms safety. We do not need, for instance, to know about black gun powder, we do not need to know ballistics, we do not need to know about how you figure out calibers, we do not need to know about parts of guns and some of the many technical features of hand guns in order to qualify for a possession permit and a permit to be able to use guns. And yet, in the legislation, it does provide that there will be one course.

So we do not see anything in there that reflects what we thought were some assurances given that there would be flexibility to meet the concerns that we had expressed. These are the concerns that we have expressed; one, on the view that we have that guns are tools for us, they are not weapons. They are not used as weapons to commit offences and ours is a very different perspective from the perspective of people living in Toronto and Montreal where yes, a gun, if you have it in downtown Toronto, is not going to be used for hunting, it is going to be used for committing a criminal offence, in most cases. So these are the concerns that we expressed and where we see the federal proposals falling short. Thank you.

MR. SPEAKER:

Thank you. Item 6, oral questions. Ms. Marie-Jewell.

Question 66-12(7): Annual Registration Fees Under Proposed Firearms Legislation

MRS. MARIE-JEWELL:

Thank you, Mr. Speaker. My question is to the Minister of Justice regarding the gun control. Mr.

Speaker, many northerners who live a traditional lifestyle own a number of firearms and on the other hand, they do not have a great deal of discretionary income. I would like to ask the Minister of Justice, does the proposed federal gun control legislation require annual registration fees for all firearms or is it an annual fee per firearm? Thank you.

MR. SPEAKER:

Minister of Justice, Mr. Kakfwi.

Return To Question 66-12(7): Annual Registration Fees Under Proposed Firearms Legislation

HON. STEPHEN KAKFWI:

Thank you, Mr. Speaker. It is my understanding that you register the firearm once, it is the possession permit where you will be applying and requiring a fee in order to gain a permit. It is going to be replacing the firearms acquisition certificate, I think it is called a firearms possession permit and those, I think, have to be renewed every five years. There may be some provisions made by the federal government that were not clear to me at this time, that will make allowances for subsistence hunters and trappers. Thank you.

MR. SPEAKER:

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

Question 67-12(7): Exemptions To Registration Fees In Firearms Legislation

MR. KOE:

Mahsi, Mr. Speaker. I have a question for the Minister of Justice on the firearms. Federal Minister Allan Rock did make some visits to the north, and during his visit to Yellowknife, he met with the Caucus and he also met with the public. During these discussions, there was strong emphasis, especially from us, that there be exemptions in their registration process, particularly for aboriginal people or people who are general hunting licence holders. Currently, people who purchase firearms acquisition certificates are exempted from the fees. My question to the Minister is, are there any exemptions for northerners in the registration provisions of the proposed federal bill?

MR. SPEAKER:

Minister of Justice, Mr. Kakfwi.

Return To Question 67-12(7): Exemptions To Registration Fees In Firearms Legislation

HON. STEPHEN KAKFWI:

Thank you, Mr. Speaker. It's my understanding that all guns in Canada will be required to be registered, if the legislation is passed as is, I think, by January 1st of the year 2003. If you fail to register guns that you own or possess by that time, you will be seen to be committing a criminal offence. Thank you.

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MR. SPEAKER:

Thank you. Item 6, oral questions. Mr. Whitford.

Question 68-12(7): Public Hearings On Proposed Firearms Legislation In NWT

MR. WHITFORD:

Thank you, Mr. Speaker. Mr. Speaker, I heard the Minister say earlier on that there will be public hearings on the proposed federal firearms legislation. I would like to ask the Minister if he could inform this House as to what actions the Minister of Justice here in the territories will be taking to ensure that some of these public hearings are held in the Northwest Territories.

MR. SPEAKER:

Minister of Justice, Mr. Kakfwi.

Return To Question 68-12(7): Public Hearings On Proposed Firearms Legislation In NWT

HON. STEPHEN KAKFWI:

Thank you, Mr. Speaker. It's my suggestion that once a more thorough analysis and review of the proposed legislation is done by our officials, in conjunction with other jurisdictions, I will have an opportunity to brief the Members of this Legislature who wish to discuss it in some forum, seek some direction and advice from Members on a possible strategy to continue to press the concerns that we have as Members and the concerns of the people of the Northwest Territories to ensure that the legislation that is passed more properly reflects the real intent of the legislation. We will be considering, for instance, more lobbying, utilizing our Members of Parliament who are in Ottawa to represent us, and also to strategize on how to make maximum use of the Standing Committee on

Justice and Legal Affairs, I think it is called, that will be conducting these hearings, and to use everything we can to make sure they come north to hear and see us in the environment that we're talking about. Thank you.

MR. SPEAKER:

Thank you. Item 6, oral questions. Mr. Dent.

Question 69-12(7): Impact Of Proposed Firearms Legislation On Sport Hunters And Outfitters

MR. DENT:

Thank you, Mr. Speaker. My question is for the Minister of Justice, also to do with gun control. Before the legislation was tabled, a number of outfitters had expressed concern that their clients from across Canada, the US and Europe would experience considerable difficulty with this sort of legislation. They would experience considerable difficulty coming to the Northwest Territories to hunt. Given the economic implications of this, I was wondering if the Minister has had a chance to examine the legislation enough to give us an indication of what he sees as the impact on sports hunting and outfitters of the new legislation.

MR. SPEAKER:

Minister of Justice, Mr. Kakfwi.

Return To Question 69-12(7): Impact Of Proposed Firearms Legislation On Sport Hunters And Outfitters

HON. STEPHEN KAKFWI:

Mr. Speaker, we have not had an opportunity to get into a detailed analysis. It's unclear to me at this time how the legislation will impact on, for instance, sport hunters from other countries coming in and how it will impact on the import and transportation of firearms from outside the country. So we will just have to wait until we get a clear idea of how this legislation impacts on that and get back to the Member. Thank you.

MR. SPEAKER:

Thank you. Item 6, oral questions. Mr. Ballantyne.

Question 70-12(7): Reason For Absence Of Departmental Officials At BIP Consultation Meetings

MR. BALLANTYNE:

I have a question for the Minister responsible for Public Works, and it has to do with the review of the business incentive policy. There has been some concern expressed by certain individuals that in the consultation done now by the department, consultants are doing the consultation and there's nobody present from the Minister's department. Could the Minister please explain the rationale for not having departmental officials present at the consultation meetings? Thanks, Mr. Speaker.

MR. SPEAKER:

Minister of Public Works, Mr. Pollard.

Return To Question 80-12(7): Reason For Absence Of Departmental Officials At BIP Consultation Meetings

HON. JOHN POLLARD:

Thank you, Mr. Speaker, and good afternoon. Mr. Speaker, that was a conscious decision. It was decided that in order that there be perceived to be no overbearance by the Department of Public Works in order that it could be an open process where anybody could say anything they wanted and not have to be worried about being argued against or anything of that nature, it was decided not to have Public Works there. Although, any information that would be required at those meetings would be provided by the department. Thank you, Mr. Speaker.

MR. SPEAKER:

Thank you. Mr. Ballantyne, supplementary.

Supplementary To Question 70-12(7): Reason For Absence Of Departmental Officials At BIP Consultation Meetings

MR. BALLANTYNE:

Thank you, Mr. Speaker. Mr. Speaker, I understand partly the rationale because it would be unfair to have civil servants, especially middle level civil servants, embroiled in political discussions, and that could happen. On the other hand, Mr. Speaker, there is a problem at the end of the day because the government will see the complaints and the concerns through the prism of a consultant, not having anyone there to actually get the flavour and the details of the discussions. So my question to the Minister is how is the department going to be able to handle that at the end of the day if, in fact, they don't have the full story

and they don't respond to the full range of concerns? Thank you, Mr. Speaker.

MR. SPEAKER:

Mr. Pollard.

Further Return To Question 70-12(7): Reason For Absence Of Departmental Officials At BIP Consultation Meetings

HON. JOHN POLLARD:

Mr. Speaker, obviously that is a concern that we might miss something along the way. But there are written submissions that are being made where the department will be able to read them verbatim. We have some faith in those facilitators; that they are

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going to be able to give us the information as it was provided at the meeting. There is opportunity and there is opportunity being used to directly contact either myself or the department. I realize the danger that's there, but we think that if we're conscious enough and we pay attention to the information that's delivered, we will be able to make a wise judgement on the information provided.

If it does look -- and I take this commitment on personally, Mr. Speaker -- when I review that information, the thing that I'm hearing politically and the concerns that we've all heard through the last three years and the concerns that have been raised on the floor of this House, if they are not being addressed or if that's not the reflection, then we will look at another process to make sure that those concerns are addressed, Mr. Speaker. Thank you.

MR. SPEAKER:

Thank you. Mr. Ballantyne, supplementary.

Supplementary To Question 70-12(7): Reason For Lack Of Departmental Officials At BIP Consultation Meetings

MR. BALLANTYNE:

Thank you. I appreciate the Minister's response. If I could make one request to the Minister, if he could commit that, at some point during the process, the Minister would be prepared to meet with at least a representative group of business people to hear first

hand from them what their concerns are. Thank you, Mr. Speaker.

MR. SPEAKER:

Mr. Pollard.

Further Return To Question 70-12(7): Reason For Absence Of Departmental Officials At BIP Consultation Meetings

HON. JOHN POLLARD:

Mr. Speaker, I would be more than willing to do that. Thank you.

MR. SPEAKER:

Thank you. Item 6, oral questions. Mr. Ningark.

Question 71-12(7): Status Of Birthing Centre For Taloyoak

MR. NINGARK:

Thank you, Mr. Speaker. Subsequent to my Member's statement regarding a birthing centre for Taloyoak, in the absence of the Minister of Health and Social Services, I will direct my question to the Minister of Finance. Mr. Speaker, for low-risk pregnant mothers who choose to stay home to have their babies in their communities, sometimes it may be better to have those mothers stay home and have babies. In fact, when they come to large medical centres, there are likely to be more complications due to stress, fatigue and sometimes loneliness. Mr. Speaker, the issue has been ongoing for about 10 years now in Taloyoak. I would like to ask the Minister of Finance, what is the status of establishing a birthing centre in Taloyoak? Thank you.

MR. SPEAKER:

Minister of Finance, Mr. Pollard.

Return To Question 71-12(7): Status Of Birthing Centre For Taloyoak

HON. JOHN POLLARD:

Thank you, Mr. Speaker. Mr. Speaker, as you know and what has been reported to the House previously, when the pilot project was commenced in Rankin Inlet -- and I must say from peripheral looks at this particular issue, it looks as if the Rankin Inlet birthing project has been a success, Mr. Speaker, but I'm not

an expert, so I will wait for the expert's opinion on that -- we said at that time that once the project was under way and there could be an analysis done, that we would do that. I believe that is almost completed and we should have something this year.

I believe the Minister of Health has said that once we have looked at those numbers and proven out the pilot project, we would certainly be willing to look at other areas of the Northwest Territories where the communities want that particular service. The Member who is raising this has been vocal about this on the floor of this House, and I'm here to tell you that we are very aware of his concern and his request and I'm sure it will be given top priority, Mr. Speaker. Thank you.

MR. SPEAKER:

Thank you. Item 6, oral questions. Mr. Patterson.

Question 72-12(7): New Student Residence Funding Formula

MR. PATTERSON:

Thank you, Mr. Speaker. Mr. Speaker, my question is to the Minister of Education, Culture and Employment and I would like to get some straight answers today. I would like to ask the Minister does the new student residence funding formula -- which the boards have been given notice of this December -- contemplate the department continuing to fund large residences in regional centres? Yes or no.

MR. SPEAKER:

Minister of Education, Mr. Nerysoo.

Return To Question 72-12(7): New Student Residence Funding Formula

HON. RICHARD NERYSOO:

Thank you, Mr. Speaker. Just for clarification -- and I'll give you the straight answer -- the fact is the formula which was provided in December was a draft formula that was provided to the boards for discussion. It was to provide certainty in the amount of resources that would be provided so there was fairness and equity in the distribution of those resources. That was the basis on which that funding was provided. Secondly, the contract for review was to determine future use for the buildings, the options for the buildings and considerations of whether or not there would be a need for smaller residences, the

continuation of the residences, home boarding or whatever other options there might be. If there was a decision to close the residences, the question was then, what are the alternative uses.

The honourable Member, in fact, at one time, made the suggestion to close Ukiivik and using it for Arctic College. If that was one of the options considered, we would consider it. But, until the report is concluded, I'm not going to indicate that we have made any final decisions. I believe the report will give us suggestions, at which time I will take that report and its recommendations for final decision before I make any final concluding comments on this matter.

MR. SPEAKER:

Supplementary, Mr. Patterson.

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Supplementary To Question 72-12(7): New Student Residence Funding Formula

MR. PATTERSON:

Thank you, Mr. Speaker. Mr. Speaker, these boards need to know what money they have, early on, for April 1st. They should know now if they have to lay off staff, for example, on April 1st. I would like to ask the Minister again, in getting the draft for discussion in December now, today, as these boards plan their fiscal years, isn't the new funding formula designed and targeted to smaller residences with house parents as staff? Isn't that what it says? Thank you.

MR. SPEAKER:

Mr. Nerysoo.

Further Return To Question 72-12(7): New Student Residence Funding Formula

HON. RICHARD NERYSOO:

It is one of the considerations, yes.

MR. SPEAKER:

Thank you. Supplementary, Mr. Patterson.

Supplementary To Question 72-12(7): New Student Residence Funding Formula

MR. PATTERSON:

Mr. Speaker, the Minister's strategy to 2010 document says close the regional student residences. We raised alarm about this. We asked if this was the case and we were assured all options were open. I would like to ask the Minister if the real hidden agenda here -- putting aside, "I haven't made the final decision yet; we are awaiting the options for future uses of the buildings," putting aside all this evasive discussion -- is to close the larger residences in Iqaluit, Rankin Inlet and Inuvik, why doesn't the Minister just come out and say, this is the department's strategy, this is how the new funding formula is laid out? Why doesn't he just tell us now instead of letting us believe that nothing has been decided? Thank you.

MR. SPEAKER:

Mr. Nerysoo.

Further Return To Question 72-12(7): New Student Residence Funding Formula

HON. RICHARD NERYSOO:

Thank you, Mr. Speaker. The decision in the strategy is quite clear, that it is our intention to move from regional residences to high school programming in the communities. That was the direction that the honourable Member, in fact during his tenure as Minister, laid out the groundwork for. This is no different, Mr. Speaker, than his decision, when he was Minister, of closing the residences in Fort McPherson, Fort Good Hope, Bompas Hall in Fort Simpson and Grandin College. The fact is, the direction of high school programs in the communities is the reflection of the foundation he left. What we're doing is following up on the direction that he laid.

The point he is raising is an important one. The point is, we needed a draft formula with which we could conduct discussions with the boards. It also needed to have the comments of the boards. I can advise the honourable Member that the three remaining large residences have seen their enrolments decrease, and the economic factors are such that

the average costs of fully operating the large residences right now is \$75,000 per year per student.

Now, the honourable Member knows that while I wish to move the students back to their home communities, I will not do it at the risk of programs. He raised the point as an issue in our visit to Iqaluit: the problem of matriculation programming in the communities. That

is all part of the consideration and I'm not prepared to make a final decision now. The fact is, the boards don't give the lay-off notices; it works through the government and at this particular time we have issued no lay-off notices to anyone.

MR. SPEAKER:

Thank you. Final supplementary, Mr. Patterson.

Supplementary To Question 72-12(7): New Student Residence Funding Formula

MR. PATTERSON:

Thank you, Mr. Speaker. Mr. Speaker, if housing these students from small communities where the advanced diploma is not available at present -- and I assume high school programs in communities includes the advanced diploma -- in group homes with house parents turns out to be the preferable alternative in communities like Iqaluit, Inuvik and Rankin Inlet -- if I dare speak about other communities other than my own -- where I know housing is at a premium and no obvious housing alternatives exist like group homes -- there is tremendous pressure on housing -- would the Minister agree that it will take some time to plan and implement this new direction, certainly more than a few months? Will the Minister agree it will take more than a few months to implement these new alternatives, and these boards need a lot more notice than a few months? Thank you.

MR. SPEAKER:

Mr. Nerysoo.

Further Return To Question 72-12(7): New Student Residence Funding Formula

HON. RICHARD NERYSOO:

Thank you, Mr. Speaker. I believe that the honourable Member has pointed out an important component that needs further discussion. You must remember, Mr. Speaker, and the honourable Member must recognize, that the school program runs up to June. We have some time to manoeuvre between the end of March to the end of the school year. I cannot say to the honourable Member we may not consider closing the residences because I have not seen the recommendations of the report. But I've also suggested to the honourable Member that I will consider all factors before I make a final decision, and I've been trying to indicate that to all Members of this

House, that we have not made any final decisions because we have not got the recommendations.

I think the honourable Member...(inaudible)...and his advice in the review would do well to consider and provide that information, and we will consider it.

MR. SPEAKER:

Thank you. Item 6, oral questions. Mrs. Marie-Jewell.

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Question 73-12(7): Minister To Review Awarding Of Drywall Contract

MRS. MARIE-JEWELL:

Thank you, Mr. Speaker. I have a question for the Minister of DPW. Mr. Speaker, I fully recognize that the tender awards for the academic building were done prior to the new Minister of DPW being appointed. Having said that, Mr. Speaker, I have full confidence in the new Minister to address the issue of improper or inconsistent awarding of tenders.

Mr. Speaker, I would like to ask the Minister, will the Minister review the situation and advise this House why DPW and Clark-Bowler confirmed and approved the awarding of the electrical and interior finishing contract tender award?

MR. SPEAKER:

Minister of Public Works, Mr. Pollard.

Return To Question 73-12(7): Minister To Review Awarding Of Drywall Contract

HON. JOHN POLLARD:

Thank you, Mr. Speaker. Mr. Speaker, I listened with attention to Mr. Dent's Member's statement yesterday, and the department is formulating a report to me in that regard. If Members in the House can be a little patient, I'll add on the other issues that the honourable Member, Jeannie Marie-Jewell, has raised today and bring back a report covering the whole. I will do that. Thank you, Mr. Speaker.

MR. SPEAKER:

Thank you. Item 6, oral questions. Mr. Dent.

Question 74-12(7): Letter Of Intent Re Drywall Contract

MR. DENT:

Thank you, Mr. Speaker. My question is for the Minister of Public Works and Services and it has to do with my Member's statement yesterday and the issues that the Member for Thebacha has also talked about. I recognize that the Minister just said the department is preparing a response for him on this issue. My question is, has the Minister directed that the letter of intent on the contract for interior finishing be rescinded until such time as he has a chance to review the situation and perhaps insist that the award be made to a northern company?

MR. SPEAKER:

Minister of Public Works, Mr. Pollard.

Return To Question 74-12(7): Letter Of Intent Re Drywall Contract

HON. JOHN POLLARD:

Mr. Speaker, that was my first question, and unfortunately, the process had gone too far for me to be able to stop the contract or review the contract. I did ask that yesterday and unfortunately, it had gone too far, Mr. Speaker, so I'm unable to stop the contract. Thank you.

MR. SPEAKER:

Thank you. Item 6, oral questions. Mr. Patterson.

Question 75-12(7): Staffing In Student Residence

MR. PATTERSON:

Thank you, Mr. Speaker. To the Minister of Education, Culture and Employment. Mr. Speaker, yesterday the Minister stated in response to some questions I asked about the student residence formula, that in one particular student residence there are now 19 staff members and 15 students. I would like to ask the Minister which particular residence the Minister is referring to. Thank you.

MR. SPEAKER:

Minister of Education, Mr. Nerysoo.

Return To Question 75-12(7): Staffing In Student Residence

HON. RICHARD NERYSOO:

Mr. Speaker, with regard to that, that was a different matter and I apologize for the information. Here is the correct information. In Ukiivik Hall, there are 27 students, 11.5 staff members, the cost is \$1.644 million. Grollier Hall has 53 students with 23 staff, and the staff are on contract. The contract is worth \$1.645 million. Kivalliq Hall, 22 students, 11 staff, \$944,000. That's the correct information.

MR. SPEAKER:

Thank you. Mr. Patterson.

Supplementary To Question 75-12(7): Staffing In Student Residence

MR. PATTERSON:

I'm told, at present, there are nine staff members in Ukiivik Residence today, not 11.5. I would like to ask the Minister, which residence was he talking about authoritatively yesterday that has 19 staff members and 15 students, if it wasn't the residences in Iqaluit, Rankin Inlet and Inuvik? Which residence was he referring to? Thank you.

MR. SPEAKER:

Mr. Nerysoo.

Further Return To Question 75-12(7): Staffing In Student Residence

HON. RICHARD NERYSOO:

Thank you, Mr. Speaker. There was no residence. What it was was information that had to do with a community matter that was quoted on the document, so I apologize for that. Just so that the honourable Member is aware, there are nine staff members in Iqaluit and there are also 2.5 broken down into a husband and wife team and a part-time cook. That makes the 2.5.

MR. SPEAKER:

Thank you. Item 6, oral questions. Mrs. Marie-Jewell.

Question 76-12(7): Efficient Spending Of Government Funds Re Contracts

MRS. MARIE-JEWELL:

Thank you, Mr. Speaker. My question is to the Minister of DPW. Mr. Speaker, it's unfortunate that

the process has gone too far to correct some of the inconsistencies in tender awarding. I would like to ask the Minister upon developing a reply to this House, would he be willing to assure us that what areas could be corrected will be, ensuring government funding is going to be spent in the most conscientious, effective and economical manner. Would he advise this House that those areas would be considered? Thank you.

MR. SPEAKER:

Minister of DPW, Mr. Pollard.

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Return To Question 76-12(7): Efficient Spending Of Government Funds Re Contracts

HON. JOHN POLLARD:

Mr. Speaker, not to give the impression that I don't have faith in the department, but because of the sensitivities that have been raised here in the last two days with regard to this particular job in Fort Smith, I've told the department not to award any more of these contracts unless it's been across my desk first. That is so that I can bring the concerns that are being raised here to the forefront before the awards. So I will say to this House that, yes, we will look at all of those issues with regard to local hire, local contractors, northern contractors, northern spending of northern money and try and keep as much of the job in the Northwest Territories, which I think was the former Minister's position. I'm sure that once I've revealed the numbers to the House, you'll see that it was carried out to the best of their ability. Thank you, Mr. Speaker.

MR. SPEAKER:

Thank you. Item 6, oral questions. Mr. Arvaluk.

Question 77-12(7): GLO Positions in Communities

MR. ARVALUK:

Thank you, Mr. Speaker. In the absence of the Premier, I would like to ask the Deputy Premier, yesterday in the House, the Premier stated in response to a question by Mr. Patterson that in two communities, it has been ruled out that Social Services will be now paying for half of GLO positions, allowing these positions to be full time. My question to the Deputy Premier is in which two communities have these arrangements been worked out?

MR. SPEAKER:

Minister of Finance, Mr. Pollard.

HON. JOHN POLLARD:

Mr. Speaker, I'm not the Deputy Premier. I do occasionally answer questions for the Premier in her absence. This one, Mr. Speaker, I'll take as notice. Thank you.

MR. SPEAKER:

Thank you, Mr. Pollard. The question is taken as notice. Item 6, oral questions. Mr. Pudlat.

Question 78-12(7): Construction Of Air Terminal In Cape Dorset

MR. PUDLAT:

(Translation) Thank you, Mr. Speaker. My question is for the Minister of Transportation. What is happening with the air terminal in Cape Dorset? Is the construction of this air terminal going to go ahead this summer? Thank you, Mr. Speaker.

MR. SPEAKER:

Minister of Transportation, Mr. Todd.

Return To Question 78-12(7): Construction Of Air Terminal In Cape Dorset

HON. JOHN TODD:

Thank you, Mr. Speaker. The Cape Dorset air terminal building will proceed with construction this year. I believe there is \$1.5 million in the budget and it will be going out to public tender through Public Works; some time next month, I believe. Thank you.

MR. SPEAKER:

Thank you. Item 6, oral questions. Mr. Patterson.

Question 79-12(7): Status Of Grades In Proposed Funding Formula

MR. PATTERSON:

Thank you, Mr. Speaker. I guess I'm still on about the proposed draft new residence funding formula up for discussion. I understand it is based on the principle where high school grades exist in a community, the board will not be funded for residence or home boarding costs for students to attend a regional high

school. I would just like to ask the Minister, when the department talks about high school grades existing in a community in this proposed funding formula, does this refer to general diploma high school grades only? Thank you.

MR. SPEAKER:

Minister of Education, Mr. Nerysoo.

Return To Question 79-12(7): Status Of Grades In Proposed Funding Formula

HON. RICHARD NERYSOO:

No, Mr. Speaker. It includes all high school programming in the communities.

MR. SPEAKER:

Thank you. Supplementary, Mr. Patterson.

Supplementary To Question 79-12(7): Status Of Grades In Proposed Funding Formula

MR. PATTERSON:

I take it from the Minister's answer that when the department talks about a high school program being available in the community, it is not a high school program if it does not offer both the general and the advanced diploma. My question then is, since today - for better or for worse -- there are only advanced or matriculation diplomas available in two communities out of 13 on Baffin Island, would the Minister agree then, for the purposes of this draft funding formula, that there are only two communities on Baffin Island where high school students are able to obtain high school programs in their home community? Thank you.

MR. SPEAKER:

Mr. Nerysoo.

Further Return To Question 79-12(7): Status Of Grades In Proposed Funding Formula

HON. RICHARD NERYSOO:

Thank you, Mr. Speaker. If the information the honourable Member is providing is absolutely correct then, obviously, there are some problems with the programming. But, the fact is, the board has the responsibility of recognizing their responsibility to deliver those programs. We moved the delivery of

programs to the boards and they should be held accountable for the programs that are in those communities. Now, if there are circumstances which the honourable Member has raised, such as matriculation or advanced programming -- and we only have one diploma now -- then that has to be considered as part of the report. I think the honourable Member is raising some important points which could have a bearing on the recommendations for Ukiivik residence or, for that matter, for a residence in the Baffin.

MR. SPEAKER:

Thank you. Item 6, oral questions. Mr. Whitford.

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Question 80-12(7): Takeover Of Arctic A Airports

MR. WHITFORD:

Thank you, Mr. Speaker. Mr. Speaker, I have a question I would like to direct to the Minister of Transportation. Members will have heard the good news about the forthcoming friendly takeover of Arctic A airports. It was announced not too long ago that there was an agreement. I would like to ask the Minister if all the plans are in place now to take over these assets, liabilities, staff and budgets, and when will this occur.

MR. SPEAKER:

Minister of Transportation, Mr. Todd.

Return To Question 80-12(7): Takeover Of Arctic A Airports

HON. JOHN TODD:

Thank you, Mr. Speaker. It was originally our intent to try to make the appropriate arrangements for the transfer for April 1, 1995. A satisfactory agreement has now been reached between ourselves and the federal government with respect to base funding and the transfer of jobs and we have a plan in place that would make sure this transfer takes place in an orderly way, effective July 1, 1995. Thank you.

MR. SPEAKER:

Thank you. Supplementary, Mr. Whitford.

Supplementary To Question 80-12(7): Takeover Of Arctic A Airports

MR. WHITFORD:

Thank you, Mr. Speaker. There will be other questions I will have on that a little later on, as I get more details. There are some things that are already in place that kind of irk people and I would like to ask the Minister about one of them. I have been to five of the Arctic A airports that are going to be coming under our jurisdiction here shortly, and I noticed that only one of them -- the Yellowknife airport -- has fee parking where you have to pay to get out. It is the only one among all the airports in the territories that we are taking over. I would like to ask the Minister whether or not he is going to be introducing parking fees to all of the other airports after the takeover or are we going to do away with the parking fee here in the north?

---Laughter

MR. SPEAKER:

Thank you. Mr. Todd.

Further Return To Question 80-12(7): Takeover Of Arctic A Airports

HON. JOHN TODD:

Thank you, Mr. Speaker. At this time, I think it is a bit premature to determine whether we are going to increase any additional fees to the airports, as the negotiations are currently under way. Thank you.

MR. SPEAKER:

Thank you. Supplementary, Mr. Whitford.

Supplementary To Question 80-12(7): Takeover Of Arctic A Airports

MR. WHITFORD:

Thank you, Mr. Speaker. I was pretty specific, I guess, as to what I was asking, but I would certainly like to ask the Minister if he'll assure this House that he will have his officials take a good, close, long, hard look at the cost-benefit of this particular system here in Yellowknife before he starts instituting it in the other airports. Will he assure me that he is going to have a good, close look at this?

MR. SPEAKER:

Mr. Todd.

Further Return To Question 80-12(7): Takeover Of Arctic A Airports

HON. JOHN TODD:

Yes, I'll look at it, Mr. Speaker. Thank you.

MR. SPEAKER:

Thank you. Item 6, oral questions. Mr. Ningark.

Question 81-12(7): Request For High School In Gjoa Haven

MR. NINGARK:

Thank you, Mr. Speaker. Mr. Speaker, my question is directed to the Minister of Education, Culture and Employment. Mr. Speaker, some time ago, when the closure of Akaitcho Hall was imminent, the Minister at the time assured the House that every community that requires a high school and where it was justifiable, they would get a high school. Gjoa Haven has been requesting a high school according to the Department of Education's own initiative. The department's priority is education, right? Now, Mr. Speaker, Gjoa Haven has been requesting a high school and we were assured about two or three years ago that in 1995, Gjoa Haven would get one.

Now we have another problem. When I was in Gjoa Haven, I was told by the hamlet council that they may not be able to have a high school because they don't have the facilities or staff housing to house the teaching staff. My question to the Minister -- and it may have to be directed to the Minister of Personnel - - would the Minister assure me, the people of Gjoa Haven, and this House that we will, in fact, be getting a high school and the teaching staff will be there in 1995? Thank you.

MR. SPEAKER:

Minister of Education, Mr. Nerysoo.

HON. RICHARD NERYSOO:

Thank you. I would like to be able to stand up and guarantee that, Mr. Speaker; however, I will have to take the question as notice and speak to the Kitikmeot Divisional Board of Education to get more information on this matter.

MR. SPEAKER:

Thank you. The question has been taken as notice. Item 6, oral questions. Mr. Arvaluk.

Question 82-12(7): GLO Positions In Communities

MR. ARVALUK:

Thank you, Mr. Speaker. Due to the urgency of the issue which my previous question related to, I would like to ask the Minister of Education, Culture and Employment, who is also going to be the Minister responsible for social services some time in April. My question, of course, is similar to what I asked who I thought was the Deputy Premier; but he is only representing her in her absence. Mr. Speaker, in my preamble I said -- referring to Mr. Patterson's question yesterday -- that in two communities it has been ruled out that social services will be now paying for half of GLO positions, allowing these positions to be full-time. My question is in which two communities have these arrangement been worked out?

MR. SPEAKER:

Minister of Education, Mr. Nerysoo.

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Return To Question 82-12(7): GLO Positions In Communities

HON. RICHARD NERYSOO:

Thank you, Mr. Speaker. I do appreciate the honourable Member for raising the question and I do have the information. The two communities that are involved in the community pilot project -- which are getting ready for the transfer of social assistance to Education, Culture and Employment -- that affects the government liaison officer positions, one is located in Arviat. The GLO was co-located to the Health and Social Services area office in January and the focus for this project is to provide more employment career counselling to employable clients.

In Baker Lake, the government liaison officer co-located to the Health and Social Services area office in January and the project will provide employment career counselling to employable clients.

In Coppermine, the executive services officer, ESO, will issue social assistance from his office and will also offer employment career counselling to employable clients. The pilot will begin in March with an annual caseload of 954.

In the case of Rankin Inlet, the community social services worker co-located from Health and Social Services area to the career centre in January, with the entire Social Services annual caseload of 1,368.

Those are some of the income support pilot initiatives that have been undertaken. I believe that the same opportunity was offered to the Baffin communities and we did not receive any proposals and as such, did not proceed with pilot initiatives in those communities. Now that does not, Mr. Speaker, rule out the possibility of maybe us responding to the concerns that the honourable Members have raised in this House if their communities are inclined. In some cases, the municipal councils are actually involved. Cape Dorset is one where the social services are being delivered from the community and, as such, they're dealing with these particular issues.

MR. SPEAKER:

Supplementary, Mr. Arvaluk.

Supplementary To Question 82-12(7): GLO Positions In Communities

MR. ARVALUK:

Thank you, Mr. Speaker. Supplementary to the same Minister. The Premier said yesterday that as we speak, other such arrangements are being looked at in other communities. My supplementary question is who is leading the initiative to make sure that the department, which needs these people to work, is contributing to the wages of GLOs? Who is responsible for this initiative?

MR. SPEAKER:

Minister Nerysoo.

Further Return To Question 82-12(7): GLO Positions In Communities

HON. RICHARD NERYSOO:

Thank you, Mr. Speaker. It was a combination of departments working in conjunction with one another. The Executive office, lead by the deputy minister, Mr. Pierre Alvarez, the Department of Education, Culture and Employment and the Department of Health and Social Services working in conjunction with the regions. So that was the basis on which we dealt with this particular matter, including the regional offices, which were involved in these discussions. So that is the basis on which we conducted the pilot projects.

Nothing is suggested, at this particular time, that we have ruled out all possibilities. What we need is for the communities to become interested; they were advised of this issue and these were the communities that came up with their ideas on the initiative. There are a number of other communities that are also involved.

MR. SPEAKER:

Mr. Arvaluk, supplementary.

Supplementary To Question 82-12(7): GLO Positions In Communities

MR. ARVALUK:

Thank you, Mr. Speaker. Since these new arrangements that the Minister is talking about are now being looked at, I would like to ask the Minister...Another concern too, Mr. Speaker, there are anxieties being built up that some GLO positions will be cut in half. There are some other rumours, too. Wouldn't it make more sense to explore new sources of funding for GLOs in each community before causing anxiety and uncertainty by giving lay-off notices to all your employees.

MR. SPEAKER:

Okay, Minister.

Further Return To Question 82-12(7): GLO Positions In Communities

HON. RICHARD NERYSOO:

Thank you, Mr. Speaker. Only to respond in this way, that the proposal that has been accepted by communities like Arviat, Baker Lake, Rankin Inlet, Coppermine, Fort Providence, Yellowknife, Wha Ti, Good Hope, Inuvik and Fort Simpson and they are all ideas that had been given to the communities and asked for their suggestion as to whether or not they wanted to participate. Those were the communities that came in and said we do want to participate, we want to develop a constructive approach to delivering social assistance, and as such, those were the only communities we dealt with. The other communities did not seem interested and therefore, because of the transfer that will occur on April 1, 1995, it was decided that we had to give the appropriate notice, the three-month notice, but they still have an opportunity, if those communities are interested, to review that possibility. So if the communities are interested they

should give notice of that fact immediately or as soon as possible.

MR. SPEAKER:

Thank you. Final supplementary, Mr. Arvaluk.

Supplementary To Question 82-12(7): GLO Positions In Communities

MR. ARVALUK:

Thank you, Mr. Speaker. Supplementary, this is a little bit upsetting, Mr. Speaker, so you will have to bear with me. I think I heard, in the past, that we agreed to create divisional boards if standards for education were kept up; that is a policy of the Department of Education, we will transfer some other responsibility to the other communities in the area of education, as long as we keep the employment standards and security of the employees so that they are respected and they are accommodated for their employment. Why can't this kind of respect be shown to the GLOs who have been serving the community

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for a long, long time and have very important responsibilities?

MR. SPEAKER:

Minister Nerysoo.

Further Return To Question 82-12(7): GLO Positions In Communities

HON. RICHARD NERYSOO:

Thank you, Mr. Speaker. I will just indicate to the honourable Member, I am not responsible for the GLOs. What I am trying to advise the honourable Member of is the pilot initiatives that the department, in conjunction with Health and Social Services and the Executive, undertook to ensure that we provided an alternative employment opportunity for those executive services officers or government liaison officers. This offer was made to the communities; it was taken up by a limited number of communities, the others chose not to, that is the unfortunate thing. And therefore, recognizing that transfer had to take place, those notices were given. But, the notices themselves were not given by myself, as Minister, or my department. They do not, at this particular time, work for us, other than those that are on the pilot initiatives.

MR. SPEAKER:

Thank you. Item 7, written questions. Point of order, Mr. Patterson.

Point Of Order

MR. PATTERSON:

Thank you, Mr. Speaker. I would like to request unanimous consent to go back to oral questions. I don't think we can let the new Minister of MACA attend this first question period without asking at least one question. Thank you.

MR. SPEAKER:

My first ruling is that's it's not a point of order, but you could request unanimous consent to return to oral questions.

MR. PATTERSON:

Thank you, Mr. Speaker. I can see I'm going to learn more about the rules under your guidance. Mr. Speaker, may I request unanimous consent to go back to oral questions so Mr. Ng can be properly broken in?

---Laughter

MR. SPEAKER:

Mr. Patterson is seeking unanimous consent to return to oral questions. Are there any nays. There are no nays, Mr. Patterson. Go ahead.

REVERT TO ITEM 6: ORAL QUESTIONS

Question 83-12(7): Location Of NWTAM Annual Meeting

MR. PATTERSON:

Thank you, Mr. Speaker. My question is to the new Minister of Municipal and Community Affairs, who I congratulate. I thank whoever delivered me the paper on parliamentary practice.

---Laughter

Mr. Speaker, my first question to the new Minister is, is the Minister aware of the location for the next meeting of the Northwest Territories Association of Municipalities? Thank you.

MR. SPEAKER:

Thank you. The Minister of Municipal and Community Affairs, Mr. Ng.

Return To Question 83-12(7): Location Of NWTAM Annual Meeting

HON. KELVIN NG:

Thank you, Mr. Speaker. No, I'm not aware of the location, but I'll endeavour to find out where it is and advise the Member. Thank you.

---Applause

MR. SPEAKER:

Thank you. Mr. Patterson.

Supplementary To Question 83-12(7): Location Of NWTAM Annual Meeting

MR. PATTERSON:

Mr. Speaker, I'm sure the Minister is already aware that you never get briefed on the things they ask you about in the House. I'm pleased to inform the Minister that the next meeting of the NWT Association of Municipalities will be held in Iqaluit, Northwest Territories in late April of 1995. I would like to ask the Minister if he's aware of the tradition that the Minister of Municipal and Community Affairs make himself available to these important meetings. Thank you.

MR. SPEAKER:

Mr. Ng.

Further Return To Question 83-12(7): Location Of NWTAM Annual Meeting

HON. KELVIN NG:

Thank you, Mr. Speaker. Yes, I'm aware of the tradition. I've been a past president of the association and I will plan on attending. Thank you.

---Applause

MR. SPEAKER:

Thank you. Item 6, oral questions, Mr. Patterson.

Supplementary To Question 83-12(7): Location Of NWTAM Annual Meeting

MR. PATTERSON:

Thank you, Mr. Speaker. Mr. Speaker, I thank the Member for his answer and for enlightening me about part of his illustrious background that I wasn't aware of. I'd like to ask the Minister if he would entertain, even though I know it's early in his term and he may not have his schedule finalized, if he would entertain visiting the association when it meets in Iqaluit?

MR. SPEAKER:

Mr. Ng.

Further Return To Question 83-12(7): Location Of NWTAM Annual Meeting

HON. KELVIN NG:

Thank you, Mr. Speaker. If I'm still a Member of Cabinet at that time...

---Laughter

...I will seriously consider travelling to attend the association's meeting. Thank you.

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MR. SPEAKER:

Thank you. Item 6, oral questions. Mr. Ningark.

Question 84-12(7): Funding Shortage For Recreational Facilities In Kitikmeot

MR. NINGARK:

Thank you, Mr. Speaker. Unlike my colleague, I will not ask a question which I already know the answer to. My question is directed to the new Minister for MACA. As the new Minister is a former senior administrative officer in Cambridge Bay, he knows the system pretty good. He also knows that we never have enough O and M for recreational facilities like a hockey arena, gymnasiums, and community halls. Is the Minister aware that there is a severe shortage in O and M funding for recreational facilities in the territories, mainly in the Kitikmeot region? Thank you.

MR. SPEAKER:

Thank you. Minister of Municipal and Community Affairs, Mr. Ng.

Return To Question 84-12(7): Funding Shortage For Recreational Facilities In Kitikmeot

HON. KELVIN NG:

Thank you, Mr. Speaker. I'm aware of some difficulties in some communities but with respect to this particular situation, I'm not fully briefed on it and I'll get back to the Member on this.

MR. SPEAKER:

Thank you. Item 6, oral questions. Mr. Whitford.

Question 85-12(7): Authority For Holding Plebiscite Re Liquor Restrictions

MR. WHITFORD:

Thank you, Mr. Speaker. Mr. Speaker, I would like to direct a question to the new Minister responsible for Municipal and Community Affairs. I would like to know if the Minister would be able to inform me under what authority a community can hold a plebiscite to become a dry community?

MR. SPEAKER:

Thank you. Minister of Municipal and Community Affairs, Mr. Ng.

Return To Question 85-12(7): Authority For Holding Plebiscite Re Liquor Restrictions

HON. KELVIN NG:

Thank you, Mr. Speaker. It's my understanding, Mr. Speaker, that that jurisdiction falls under the Department of Safety and Public Services. However, the Department of Municipal and Community Affairs would assist any municipality in carrying out any plebiscite question that would come about as a result of that legislation. Thank you.

MR. SPEAKER:

Thank you. Item 6, oral questions. Okay. Item 7, written questions. Item 8, returns to written questions. Item 9, replies to opening address. Item 10, petitions. Mr. Ningark.

ITEM 10: PETITIONS

MR. NINGARK:

Thank you, Mr. Speaker. Mr. Speaker, I have Petition No. 2-12(7), from Taloyoak with regard to the concern that they have with the power rate increases in this jurisdiction. There are over 150 signatures. Thank you.

MR. SPEAKER:

Thank you. Item 10, petitions. Item 11, reports of standing and special committees. Mr. Whitford.

ITEM 11: REPORTS OF STANDING AND SPECIAL COMMITTEES

Committee Report 2-12(7): Report On The Legislative Action Paper On The Office Of The Ombudsman For The Northwest Territories

MR. WHITFORD:

Thank you, Mr. Speaker. Mr. Speaker, the Standing Committee on Legislation has completed its review of Tabled Document 3-12(6) entitled, "Legislative Action Paper on the Office of the Ombudsman."

The standing committee held public hearings in Yellowknife during the week of December 12, 1994. The standing committee extends its appreciation to the organizations and individuals who made presentations to the committee. The comments and suggestions were thoughtful and have been carefully studied by the committee during its deliberations.

In its review of the legislative action paper, the standing committee carefully considered the history, principles, and finances involved in creating the office of an ombudsman. Further, the committee questioned the desirability of an ombudsman office in the Northwest Territories and whether the office is the most appropriate structure to meet the requirements of northern people.

The main review of Tabled Document 3-12(6) brought forth five main areas of consideration. These are:

- a) The role of the ombudsman;
- b) The ombudsman's jurisdiction;
- c) The influence of an ombudsman;
- d) Community access to the ombudsman office; and,
- e) Financial implications.

Each of these areas were discussed in detail in our report.

During the public review of this legislative action paper, the standing committee consistently heard that the public is receptive to the creation of an ombudsman-like office and that the government's proposal to amalgamate the office of the ombudsman and the Access and Privacy Commissioner would be

the most economical and desirable route to take. It is the opinion of the standing committee on legislation that the office of an ombudsman not be established at this time. The committee feels that the government should wait until it can determine how effective the recently passed Access to Information and Protection of Privacy Act is and whether a need for a more general type of ombudsman is required. Mr. Speaker, that concludes the report of the Standing Committee on Legislation.

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Motion To Receive Committee Report 2-12(7) And Move To Committee Of The Whole, Carried

Therefore, I move, seconded by the honourable Member for Natilikmiot, that the report of the Standing Committee on Legislation of its review of the Legislative Action Paper on the Office of the Ombudsman for the Northwest Territories be received by the Assembly and moved into committee of the whole. Thank you, Mr. Speaker.

MR. SPEAKER:

Thank you, Mr. Whitford. The motion is in order, but there isn't a quorum. I will ask the Clerk to ring the bells.

I would like to thank the Members for their prompt response to the bell. There is a motion on the floor. To the motion.

AN HON. MEMBER:

Question.

MR. SPEAKER:

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

---Carried

Item 11, reports of standing and special committees. Item 12, reports of committees on the review of bills. Item 13, tabling of documents.

ITEM 13: TABLING OF DOCUMENTS

MR. SPEAKER:

Pursuant to section 21(1)(c) of the Legislative Assembly Retiring Allowances Act, I wish to table Tabled Document 13-12(7), Report of the Auditor

General of Canada on the Audited Statement for the Legislative Assembly Retiring Allowances Fund for the Year Ending March 31, 1994.

And, pursuant to section 21(1) of the Legislative Assembly Retiring Allowances Act and Supplementary Retiring Allowances Act, I wish to table Tabled Document 14-12(7), Pension Administration Report for the Year Ending March 31, 1994.

Item 13, tabling of documents. Mrs. Marie-Jewell.

MRS. MARIE-JEWELL:

Thank you, Mr. Speaker. I have two documents to table. I would like to table Tabled Document 15-12(7), a tender report for the electrical contract 1602 for the applied arts and library building compiled by DPWS contracts.

If I may proceed, Mr. Speaker, I would also like to table Tabled Document 16-12(7), a tender report for interior finishing for the applied arts and library building compiled by DPWS contracts. Thank you.

MR. SPEAKER:

Item 13, tabling of documents. Mr. Clerk.

CLERK OF THE HOUSE (Mr. Hamilton):

Mr. Speaker, in accordance with rule 42(10), I wish to table, Tabled Document 17-12(7), a response to Petition 1-12(7) which was presented by Mr. Ng and responded to by the Minister of Transportation.

MR. SPEAKER:

Thank you. Item 13, tabling of documents. Item 14, notices of motion. Item 15, notices of motions for first reading of bills. Item 16, motions. Item 17, first reading of bills. Item 18, second reading of bills. Item 19, consideration in committee of the whole of bills and other matters: Bill 2, An Act to Amend the Apprenticeship and Trade Certification Act; Bill 3, An Act to Amend the Judicature Act; Bill 4, An Act to Amend the Limitation of Actions Act; Bill 5, An Act to Amend the Maintenance Act; Bill 6, An Act to Amend the Petroleum Products Tax Act; Bill 7, An Act to Amend the Co-operative Associations Act; Bill 8, An Act to Amend the Dental Mechanics Act; Bill 9, An Act to Amend the Legal Profession Act; Bill 10, An Act to Amend the Liquor Act; Bill 11, An Act to Amend the Income Tax Act; Bill 12, An Act to Amend the Judicature Act, No. 2; Bill 14, Miscellaneous Statutes

Amending Act, 1994; and, Bill 15, An Act to Amend the Elections Act, with Mr. Ningark in the chair.

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

CHAIRMAN (Mr. Ningark):

Thank you. The committee will come to order. What is the wish of the committee? Mr. Dent.

MR. DENT:

Mr. Chairman, I would like to recommend that the committee consider bills 3, 5, 7 and 2 in that order.

CHAIRMAN (Mr. Ningark):

Do we have the concurrence of the committee that we will deal with bills 3, 5, 7 and 2? Mr. Pollard.

HON. JOHN POLLARD:

Mr. Chairman. Bills 3 and 5 involves Mr. Kakwi and Bill 7 involves Mr. Todd, so I was wondering if we could switch the order so we don't have to change Ministers, Mr. Chairman.

MR. SPEAKER:

Thank you. The Honourable House Leader is asking if we could switch those around so we don't have to change the order of Ministers appearing. Mr. Dent.

MR. DENT:

Mr. Chairman, I'm advised by Members of the Standing Committee on Legislation that they would prefer to do the bills in the order in which I listed them.

CHAIRMAN (Mr. Ningark):

Thank you. Any other comments on the suggestion by Mr. Pollard? What is the wish of the committee? We will take a break and come back and deal with the matters after the break. We will take a 15-minute break. Thank you.

---SHORT RECESS

Bill 3: An Act To Amend The Judicature Act

CHAIRMAN (Mr. Ningark):

I will call the committee back to order. I would like to ask the Minister of Justice to introduce the bill. That's

Bill 3, An Act to Amend the Judicature Act. Mr. Kakfwi.

Minister's Introductory Remarks

HON. STEPHEN KAKFWI:

Thank you, Mr. Chairman. Bill 3 amends the Judicature Act to add provisions providing that post-judgment interest will be calculated twice a year on the basis of the Bank of Canada's "prime business rate" as at January 1st and July 1st in each year. The bill would also amend the existing provisions respecting prejudgment interest to make them

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consistent with the post-judgment interest regime.

By way of background, prejudgment interest is usually awarded by the courts when giving judgment for debt or damages. Awards of prejudgment interest are intended to compensate successful plaintiffs for losses they have suffered as a result of the late payment of money owing to them. Post-judgment interest runs from the day of judgment to the day an award under the judgment is paid. It is similarly designed to compensate the plaintiff for the late payment of money owing.

The Judicature Act presently provides for prejudgment interest in the territories, as does provincial and territorial legislation across Canada. For outdated historical reasons, post-judgment interest in the two territories and the four western provinces was fixed at five per cent under the Federal Interest Act, whereas provincial legislation governed post-judgment interest in Ontario, Quebec and the Atlantic provinces.

This was naturally a source of some irritation to the western jurisdictions, and in February 1992, Parliament enacted the Miscellaneous Statute Law Amendment Act, 1991, which provided for the repeal of the provisions of the Interest Act (Canada) that fixed the rate of post-judgment interest for the western provinces and the two territories. These provisions are to be repealed in respect of each jurisdiction as the jurisdiction brings into force its own legislation governing post-judgment interest. The Interest Act provisions continue to apply in the Northwest Territories, pending enactment of the amendments to the Judicature Act.

Bill 3 amends the Judicature Act to fix the prejudgment and post-judgment interest rate at the

"prime business rate" published by the Bank of Canada in the Bank of Canada Review, as prevailing on January 1st for the first six months of the year, and as prevailing on July 1st for the second six months of the year. This approach is intended to strike a balance that would see the rate of prejudgment and post-judgment interest respond to significant shifts in interest rates, while providing for relative administrative convenience by fixing the rate for six-month periods.

This represents a change from the static mechanism presently provided for in the Judicature Act for the setting of the prejudgment interest rate applicable in an action. Subject to being varied at the discretion of a judge, the rate is now fixed at the "prime rate" for the month preceding the month on which the action is commenced, and does not vary as interest rates change. This can work to the considerable disadvantage of the defendant if the action is initiated at a time of high interest rates that subsequently decline, or to the disadvantage of the plaintiff if there is an opposite trend.

The draft amendments deviate as little as possible from the existing provisions set out in section 55 of the Judicature Act, and similar provisions are found in provincial legislation across Canada. Other than the provisions establishing the new system for fixing the prejudgment interest rate, and a specific provision relating to the calculation of interest on special damages, the provisions respecting prejudgment interest rates remain unchanged, except for some minor non-substantive adjustments in wording and organization. The term "prime rate," for instance, has been changed to "prime business rate," which is the term now used in the Bank of Canada Review.

The proposed amendments contain transitional provisions specifying how the bill will apply to pre-existing causes of action, actions and judgments. These transitional provisions will ensure that the amendments contained in the bill would apply to all causes of action and actions and to all unsatisfied judgments as of the day the amendments come into force, but not before that day. This mechanism avoids retroactive changes to the amounts accruing in an action or owing under a judgment, and ensures that all actions and judgments will bear interest at the same rate as of the day the amendments come into force.

Mr. Chairman, I would be pleased to try answer any questions the committee may have.

CHAIRMAN (Mr. Ningark):

Thank you, Mr. Minister. On behalf of the Standing Committee on Legislation which reviewed the bill, Mr. Koe, I believe, is going to make opening remarks to the bill. Mr. Koe.

MR. KOE:

I just want to ask the Minister, what did he say in plain English?

--Laughter

Anyway, we would appreciate a copy of the Minister's statement before we get into the line-by-line review, if it's available. There are a lot of technical words in there.

The other thing I would like to mention before we start, since the passage and review of legislation is one of our most important functions, I would appreciate it if we had a quorum.

CHAIRMAN (Mr. Ningark):

Thank you. I will follow your instructions, Mr. Koe, and ring the bells on your behalf.

Thank you. Mr. Koe, please proceed with your opening remarks.

Standing Committee On Legislation Comments

MR. KOE:

Thank you, Mr. Chairman. As you know, our illustrious chairperson of the Standing Committee on Legislation has changed jobs and the committee doesn't have a chairperson at this time, so I will proceed to report on Bill 3, An Act to Amend the Judicature Act.

The Standing Committee on Legislation has completed its review of Bill 3, An Act to Amend the Judicature Act. The committee held its public hearing on this bill on December 13, 1994. The committee did not receive any presentations from the public regarding the amendments proposed in this bill.

In February 1992, Parliament enacted the Miscellaneous Statute Law Amendment Act, 1991, which provided for the repealing of provisions of the Interest Act of Canada that fixed the rate of post-judgment interest for the western provinces and the territories. These provisions are to be repealed as

each jurisdiction brings into force its own legislation governing post-judgment interest. The Interest Act provisions will continue to apply in the Northwest

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Territories, pending the enactment of the amendments contained in this bill.

The committee reviewed the amendments proposed in Bill 3 and supports the changes to the calculation of prejudgment and post-judgment interest rates proposed in the bill.

Therefore, on December 13, 1994, the Standing Committee on Legislation passed a motion that Bill 3, An Act to Amend the Judicature Act, was ready for consideration in committee of the whole. Mahsi cho.

CHAIRMAN (Mr. Ningark):

Thank you, Mr. Koe. Mr. Minister, before I open the floor for general comments, I would like to ask the honourable Minister if he would like to bring in the witness or witnesses. Mr. Kakfwi.

HON. STEPHEN KAKFWI:

Yes, if I could.

CHAIRMAN (Mr. Ningark):

Thank you. Sergeant-at-Arms, would you escort the witness or witnesses, please?

Thank you. Mr. Kakfwi, it is our tradition that we introduce the witness for the record.

HON. STEPHEN KAKFWI:

Thank you, Mr. Chairman. I have on my right, Mr. Mark Aitken from the legislative division, Department of Justice.

CHAIRMAN (Mr. Ningark):

Mahsi. Qujannamiik. General comments from the floor on Bill 3. There is a call to go clause by clause. Mr. Whitford.

General Comments

MR. WHITFORD:

Thank you, Mr. Chairman. Mr. Chairman, I had a chance to try to explain this to constituents who asked about it and it is kind of a complicated bill for a simple

solution. I would like to ask the Minister if he would be able to, in simple terms, explain how this is going to benefit the average individual of the Northwest Territories. Is this good for the people and in what way, in 10 words or less?

CHAIRMAN (Mr. Ningark):

Thank you. Mr. Minister.

HON. STEPHEN KAKFWI:

Mr. Chairman. Mr. Aitken is going to give us a couple of examples on the types of action that it could involve and how it is going to benefit the people who initiate the actions.

CHAIRMAN (Mr. Ningark):

Mr. Aitken, you have the floor.

MR. AITKEN:

Thank you, Mr. Chairman. This bill does two things, it changes the regime for prejudgment interest which is the rate of interest that applies from the time a cause of action to the day of judgment. That's the first thing it does. The second thing it does is it sets up a new regime for the determination for the termination of post-judgment interest which arises from the day of judgment to the time that a judgment is paid.

Presently, with respect to pre-judgment interest, the rate of interest is determined at one time from the time the cause of action arises. So, if that happens at a time when interest rates are very high, say 16 or 17 per cent, that will continue to be the rate of pre-judgment interest until the time of judgment, regardless of what happens to interest rates in the interim. So, if interest rates fall from 17 per cent down to five per cent or six per cent, the defendant will still be liable to pay the rate of 17 per cent for the entirety of that period which, as you can see, would result in some unfairness to the defendant.

Similarly, if the cause of action arises at a time of historical low interest rates and the interest rates subsequently climb, the plaintiff would be prejudiced because the rate of interest would be fixed at the one time.

What this bill does with respect to pre-judgment interest is allows for flexibility. The rate of interest will be determined at six-month periods, so the rate of interest over a number of years will adjust with the general ebb and flow of interest rates in Canada.

With post-judgment interest, it was previously fixed and is now fixed according to the Interest Act at five per cent. For the past number of years, this hasn't been a problem but, historically, interest rates are considerably higher than five per cent so a successful plaintiff is, in fact, prejudiced because the rate of interest that they are earning on the amount of the judgment doesn't reflect the amount of interest which is available in the market place. This bill will enable the Northwest Territories to assume jurisdiction for the determination of that interest rate and provides that the rate of post-judgment interest will be determined in the exact same manner as the prejudgment interest rate which I described to you. Thank you very much, Mr. Chairman.

CHAIRMAN (Mr. Ningark):

Thank you. Further general comments on Bill 3. Are we ready to go clause by clause?

SOME HON. MEMBERS:

Agreed.

---Agreed

Clause By Clause

CHAIRMAN (Mr. Ningark):

Okay. Bill 3, An Act to Amend the Judicature Act. Clause 1.

SOME HON. MEMBERS:

Agreed.

---Agreed

CHAIRMAN (Mr. Ningark):

Thank you. Clause 2.

SOME HON. MEMBERS:

Agreed.

---Agreed

CHAIRMAN (Mr. Ningark):

On page 3, clause 3.

SOME HON. MEMBERS:

Agreed.

---Agreed

CHAIRMAN (Mr. Ningark):

Thank you. Clause 4.

SOME HON. MEMBERS:

Agreed.

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---Agreed

CHAIRMAN (Mr. Ningark):

Thank you. Clause 5.

SOME HON. MEMBERS:

Agreed.

---Agreed

CHAIRMAN (Mr. Ningark):

The bill as a whole?

SOME HON. MEMBERS:

Agreed.

---Agreed

CHAIRMAN (Mr. Ningark):

Does the committee agree that Bill 3, An Act to Amend the Judicature Act, is now ready for third reading?

SOME HON. MEMBERS:

Agreed.

---Agreed

Bill 5: An Act To Amend The Maintenance Act

CHAIRMAN (Mr. Ningark):

Thank you. Bill 3 is now ready for third reading. We will move on to Bill 5, An Act to Amend the Maintenance Act. Mr. Minister, are you ready for the opening remarks of the bill?

Minister's Introductory Remarks

HON. STEPHEN KAKFWI:

Mr. Chairman, the bill before you today contains a proposed amendment to the Maintenance Act to allow common-law spouses to apply for support payments.

Under the Maintenance Act a judge may order one spouse to pay maintenance to the other spouse. In a decision of the Northwest Territories Supreme Court in October 1991, the word "spouse" was interpreted by the court to exclude a common-law spouse. The proposed amendment to the Maintenance Act would allow applications for support for common-law spouses to be brought during the relationship or within two years of the break-up of the relationship.

Although the Department of Justice is developing draft legislation on broad reforms to family law, there has been more urgency in the call for reform on this support issue. Under the proposed amendment to the Maintenance Act, a man or a woman who has been cohabiting with a partner for at least two years may apply for spousal support. If the partners have not been living together for a full two years, but have a child together and are living in a relationship of some permanence, then a partner may also apply for spousal support.

Under the bill, a common-law spouse would have two years from the date of separation to start an application for support. This is to provide a common-law spouse with enough time to decide whether support is necessary and also to provide some certainty for a spouse who may not know whether a former spouse will claim a right to support. The bill would also allow common-law spouses to enter into written agreements so that the new support obligations would not apply to them. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Ningark):

Thank you, Mr. Minister. On behalf of the Standing Committee on Legislation, Mr. Koe has opening remarks. Mr. Koe.

MR. KOE:

Mahsi, Mr. Chairman.

HON. STEPHEN KAKFWI:

Excuse me...

CHAIRMAN (Mr. Ningark):

Yes, Mr. Minister.

HON. STEPHEN KAKFWI:

Mr. Chairman, I am sorry, I haven't finished my remarks. Can I continue?

CHAIRMAN (Mr. Ningark):

Mr. Minister, you may conclude your opening remarks.

HON. STEPHEN KAKFWI:

Can I continue?

---Laughter

That is what happens when you take your glasses off.

In March of 1993, I tabled a draft bill in support of common-law spouses. In the report of draft bills tabled during the third session, the Standing Committee on Legislation expressed agreement with the concept in the draft bill.

The one concern raised in the report on the common-law support provisions was that a two-year limitation period appeared to apply with regard to child support as well. The section on the limitation period has been changed so that it is clear that provision only apply for support for common-law spouses.

The draft bill tabled in March 1993 also contained provisions on non-monetary support. These provisions generated much comment and are being dealt with in the larger package on family law reform.

The bill that we have before us today was introduced in November of 1994. It was reviewed by the Standing Committee on Legislation in December. We wish to thank the Members of that committee for their consideration given to the bill at that time.

Now, Mr. Chairman, I am ready to proceed. Before I do, I would like the opportunity -- perhaps after comments -- for these anxious Members to invite another official to the table when we begin discussions, entertain questions. Thank you.

CHAIRMAN (Mr. Ningark):

Thank you. At the appropriate time, with the permission of the committee, you will be able to bring in your extra witness. Mr. Koe, one more time, proceed, Mr. Koe.

Standing Committee On Legislation Comments

MR. KOE:

Thank you, Mr. Chairman. Again, through you, Mr. Chairman, it would be nice if we could get copies of the Ministers' remarks for all the bills that we are going to be dealing with before we proceed line by line.

Mr. Chairman, the Standing Committee on Legislation concluded its review of Bill 5, An Act to Amend the

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Maintenance Act, on December 13, 1994. In a 1991 Northwest Territories Supreme Court decision, the word "spouse" was interpreted to exclude common-law spouses. Bill 5 proposes to amend the Maintenance Act of the Northwest Territories to include a definition of "common-law spouse" therefore including common-law spouses in the eligibility to apply and receive maintenance support. There is a limitation period of two years on applications, as well as a provision to recognize exemption agreements.

The limitation period of two years, longer than in most jurisdictions in the country, was designed to allow for a sufficient period of time for those parties who will be dealing with many issues following the severing of a relationship.

The bill enshrines a legal obligation between partners in a relationship that has not been formalized. The Standing Committee on Legislation fully supports the intent of this bill. On December 13, 1994, the standing committee passed a motion that Bill 5, An Act to Amend the Maintenance Act, was ready for consideration in committee of the whole. Mahsi.

CHAIRMAN (Mr. Ningark):

Thank you, honourable Mr. Koe. Before we get into general comments, Mr. Kakfwi has indicated that he wanted to bring in the extra witness. Do we have the concurrence of the committee? Agreed?

SOME HON. MEMBERS:

Agreed.

---Agreed

CHAIRMAN (Mr. Ningark):

Thank you. Proceed with the witness.

Thank you. For the record, Mr. Kakfwi, you have already introduced Mr. Larry Elkin who is the director of...Pardon me, I can't read very well any more. Mark Aitken, director of legislation, on your immediate right. You have a witness who has just walked in. Would you introduce her for the record?

HON. STEPHEN KAKFWI:

Yes. On my left, Janis Cooper, legal counsel, Department of Justice.

CHAIRMAN (Mr. Ningark):

Thank you. Now we are in business. We are open for general comments on Bill 5, An Act to Amend the Maintenance Act. Do we have any general comments? Mr. Koe.

General Comments

MR. KOE:

Not so much general comments, but a question that has been raised in committee, and I'm not sure we ever did receive a...Or, I didn't hear a satisfactory response and I'll ask it again. It's regarding the clause where you have the two-year limitation. The question is why was the two-year limitation put into this bill? Why not three years, why not one and a half or why not five years? Why was two years chosen?

CHAIRMAN (Mr. Ningark):

Thank you. Mr. Minister. Thank you. Ms. Cooper.

MS. COOPER:

Mr. Chairman, two years was chosen as a limitation period because it was thought that that would be a sufficient period of time within which to bring a claim for support. It's hard to make a call sometimes to what's reasonable. Some spouses coming out of relationships are coming out of violent relationships and need a period of time to recover before they're able to settle other matters in their lives. At the same time, we have to balance the interest of a spouse for support who wants to get on with his or her life, and it was modeled after Ontario which appeared to us to be a reasonable period of time.

CHAIRMAN (Mr. Ningark):

Thank you. Mr. Koe.

MR. KOE:

In our English language, I guess you're always trying to define or provide definitions with other very complicated words, and this is no different. The definition under the act "common-law spouse," you have to have "cohabited in a conjugal relationship." Can the Minister or his witness define what "cohabited" means and "conjugal relationship" means?

CHAIRMAN (Mr. Ningark):

Thank you. Mr. Minister.

HON. STEPHEN KAKFWI:

Yes, I think we should ask for a legal definition.

CHAIRMAN (Mr. Ningark):

Thank you. Janis Cooper.

MS. COOPER:

Mr. Chairman, to cohabit in a conjugal relationship would usually mean to live together in the same home in a marriage-like relationship. So it would be a relationship that would be similar to a marriage in all respects except for the fact that the people didn't go and get married. So it would have an element of a personal relationship between the parties, whether they have blended their finances, whether they share responsibilities around the home, whether they socialize together. So a court, first of all, would look to see whether the people are actually living in the same residence, then they would look to see whether the relationship that the people are in is like a marriage. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Ningark):

Thank you. Mr. Koe.

MR. KOE:

Thank you. Thank you for that explanation. Another question. Does this bill in our modern age here cover couples in a same-sex relationship; two males or two females?

CHAIRMAN (Mr. Ningark):

Thank you. Mr. Mark Aitken, director of legislation.

MR. AITKEN:

Thank you, Mr. Chairman. The definition "common-law spouse" provides that a common-law spouse

means either of a man and a woman. This means that it only includes a relationship between a man and a woman, it would not include a relationship between two men or between two women. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Ningark):

Thank you. General comments from the floor. Mr. Arvaluk.

MR. ARVALUK:

Mr. Chairman, in the area of limitation -- I don't know my law very well -- does this two years also apply to married couples?

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CHAIRMAN (Mr. Ningark):

Thank you. Mr. Minister, you can use your discretion if you want one of your witnesses to answer.

HON. STEPHEN KAKFWI:

Ms. Cooper will answer that.

MS. COOPER:

Mr. Chairman, when people divorce, most of the time they're going to be looking for support payments under the Divorce Act, which is a piece of federal legislation. Those provisions would apply to people who are divorcing and have divorced. Married people could still apply under this act for support, but they can only apply under this act instead of the Divorce Act until the time when they are no longer spouses because once they're no longer spouses, they wouldn't come under this act.

CHAIRMAN (Mr. Ningark):

Thank you. I'd like to apologize to Mr. Dent. I'll recognize Mr. Arvaluk and then when he's finished, I'll go to Mr. Dent. Mr. Arvaluk.

MR. ARVALUK:

Thank you, Mr. Chairman. I guess I see the difference: In the area of common-law spouse, from the time they separate up to two years, these limitations would apply; however, in the case of married couples, not the separation but the divorce would apply. I guess my point here is if you were married, it seems to give you more time because

sometimes divorce takes years and not right after the separation. Am I correct in that?

CHAIRMAN (Mr. Ningark):

Thank you. Mr. Minister.

HON. STEPHEN KAKFWI:

Mr. Chairman, when you live common law, there's no legal contract that binds you so these provisions were intended to give some sense of permanence, a short-lived permanence, or some status because when you get married there is a legal contract. Whether you separate or not, until you divorce that contract is binding. It tries to give the common-law relationship a little more equal footing so that if you lived common law, at least you don't have just a week after you've broken up to act. There has to be some measure of time but also some comfort to at least one of the parties who may want to get on with other relationships or financial commitments. That's why it worked out the way it did. Thank you.

CHAIRMAN (Mr. Ningark):

Thank you. On the list of speakers I have Mr. Dent and Jeannie Marie-Jewell. Mr. Dent.

MR. DENT:

Thank you, Mr. Chairman. In terms of a general comment, I just wanted to say that I support the intent of this act and am glad to see it coming forward. I had, Mr. Chairman, attended the committee meetings in December and expressed concern there about the terms; that being, the two-year limitation. I have a number of questions about different sections of the act, Mr. Chairman, and I notice other Members have gotten into that so I hope that you won't mind if I proceed with some questions I have on different clauses.

I wonder if we could find out if the definition of common-law spouse in this act is comparable to other jurisdictions. In other words, do other jurisdictions say that it should be a period of two years? Do other jurisdictions say that the cohabitation should be a period of six months, one year, or three years? I wonder if we could get a comparison of what is common across Canada?

CHAIRMAN (Mr. Ningark):

Thank you. Commonly, when we go to sections, the section that has the suspect clause in it, that is the

appropriate time but I have let a couple Members ask questions so I will let Mr. Dent ask his questions. Mr. Minister.

HON. STEPHEN KAKFWI:

We have a sheet here and perhaps what I could do is offer to give copies to Members so I don't have to read out its entirety. It gives examples of British Columbia, Manitoba, and all the provinces across the country and what is applicable there. Is that acceptable to the Member?

CHAIRMAN (Mr. Ningark):

Thank you. Mr. Dent.

MR. DENT:

Mr. Chairman, I would be happy to get the detail in printed form but I think for the record, the Minister should perhaps read the shortest and the longest so that there is some indication on the record as to what the variation is.

CHAIRMAN (Mr. Ningark):

Thank you. Mr. Minister.

HON. STEPHEN KAKFWI:

Mr. Chairman, in British Columbia it's within one year of separation. Manitoba is the same. New Brunswick is the same. Newfoundland is the same. In Ontario, it's within two years of separation. In the Yukon, it's within three months of separation. Those are the examples that we have at this time.

CHAIRMAN (Mr. Ningark):

Thank you. Mr. Dent.

MR. DENT:

Mr. Chairman. I would like to clarify the Minister's answer. I had indicated that I would be willing to have him read only the shortest and the longest into the record and I had asked about the definition of a "common-law spouse." The Minister, in his answer, just mentioned within three months of separation. I was going to ask that question next but I think the Minister may not have answered the question that I was asking. What I'm interested in is the definition of "common-law spouse." In other jurisdictions, is that typically for two years or where there is a child who is a product of the relationship, is it shorter or longer?

CHAIRMAN (Mr. Ningark):

Thank you. Mr. Minister.

HON. STEPHEN KAKFWI:

Mr. Chairman, in British Columbia the definition basically reads that you have a common-law relationship where the two people have been living together for a period of not less than two years. In Manitoba, it's where parties cohabited for at least one year and there is child or the parties have cohabited for five years. In New Brunswick, where parties have cohabited continuously for a period of not less than three years in a relationship, where one person substantially depends on the other or parties are in a relationship of some permanence and have child. In Newfoundland, the parties cohabited for a period of one year or more and the man is the father of a child born to the woman. In Nova Scotia, parties living together as husband and wife for one year. In Ontario, parties have cohabited continuously for a period of not less than three years or parties are in a relationship of some permanence and have a child.

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In the Yukon, parties cohabited in a relationship of some permanence. In Saskatchewan, parties cohabited as husband and wife for a period of not less than three years or parties cohabited as husband and wife in a relationship of some permanence if they are the birth or adopted parents of a child.

CHAIRMAN (Mr. Ningark):

Thank you. Bill 5, Mr. Dent.

MR. DENT:

Thank you, Mr. Chairman. I'm assuming that the numbers the Minister read out earlier had to do with the restriction on the amount of time after the relationship ends, for people to seek support. I would like to know why two years was selected by this jurisdiction. As far as I know, some jurisdictions -- as the Minister has stated -- are as short as three months. And, I'm not sure he mentioned Saskatchewan, but I understand Saskatchewan has no time limit at all, so a person in a relationship there has no limitation on when they might seek support afterwards.

So, I guess my question is what is the rationale for two years in our jurisdiction? Is it just because Ontario happened to do it? I notice Ontario is the only

jurisdiction that chose two years and so the question is, why did we follow along with them and not look at another province like, for instance, Saskatchewan?

CHAIRMAN (Mr. Ningark):

Thank you. Mr. Minister.

HON. STEPHEN KAKFWI:

Mr. Chairman, this was the time limit that I thought, with the advice of officials, would be a reasonable time period. We looked at the anomalies across this country and we made the decision that two years was a reasonable time period to put into legislation.

CHAIRMAN (Mr. Ningark):

Thank you. General comments. Mr. Dent.

MR. DENT:

Mr. Chairman, in response to that, I will continue to support the bill because I don't want to see it thrown back but I must express some concern about that limitation. I think it would have been better to have gone with a longer period of time. But, not wanting to see the act held up, I will continue to support the act. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Ningark):

Thank you. Mr. Kakfwi.

HON. STEPHEN KAKFWI:

Mr. Chairman, we have to remember that even in 1992, there was still very strong pressure from our societies to see families set up with some permanence. That is, unless I'm terribly outdated, I believe that everyone -- families and societies -- wants people to be married. That is what our whole society is based on. Common-law arrangements have grown increasingly acceptable but the fact that there was no protection for common-law spouses, or even the definition, argues the point that we did not want to deal with them for a great many years.

We are trying to do that here, to protect those people who make the choice to live common law. But, making that choice, you also choose to live with less security than what the law provides for in a legal marriage. That is what we are trying to reflect here. If you want to live common law, that is fine but you should know that the law, in many instances, does not provide any protection for you.

We have moved to provide some protection here, but it is not as good as can be provided in a legal marriage. But, that's the choice you make. You don't have to live common law if you don't want to, and you don't have to get married if you don't want to, either, but you should know there are differences. I think that's the point that should be made here. Thank you.

CHAIRMAN (Mr. Ningark):

Thank you. General comments. I have Jeannie Marie-Jewell.

MRS. MARIE-JEWELL:

Thank you, Mr. Chairman. I hear what the Minister is saying, the choice of the people is there, and the government is trying to protect some of their interests with regard to maintenance. I guess what I want to know is, the limitation period being two years, how does the government determine the separation date if it is argued?

CHAIRMAN (Mr. Ningark):

Thank you. Mr. Minister.

HON. STEPHEN KAKFWI:

If I understand right, Mr. Chairman, there would probably be some ambiguity there because it would be argued before a court of law and the judge would be the one who would decide. If one party said the relationship broke up on one day and the other party argued otherwise, there would have to be arguments made on both sides to convince the presiding judge that their case is the more valid one. In a marriage, there is more protection and more certainty. In common-law arrangements, there isn't. Thank you.

CHAIRMAN (Mr. Ningark):

Thank you. General comments. Member for Thebacha.

MRS. MARIE-JEWELL:

Mr. Chairman, I guess what I'm trying to find out is if this encourages or forces one of the spouses to go through the court process when a common-law relationship breaks up and one of the spouses wants maintenance payments, whether it be the woman or the man, whoever decides to take the children. I guess I'm trying to find out where it can be fine-tuned. I'm not saying that this particular bill has to be amended to accord with the concern I have, but

where can we address the issue if, first of all, they choose not to go through the courts? If they can't afford to go through the courts and in the meantime, one of the spouses argues about when they separated, that then prolongs the implementation of any type of maintenance. I guess what I'm saying is this bill could possibly prolong payments to a spouse, if they choose to use the courts.

CHAIRMAN (Mr. Ningark):

Thank you. Mr. Minister.

HON. STEPHEN KAKFWI:

Mr. Chairman, I'm not quite clear on what the question is, but I will see if some more comments will help. When a common-law relationship breaks up the parties -- at least one -- would probably end up looking for another relationship quite quickly. I'm just making this up, but bear with me. It would be difficult to strike up another relationship and give certainty to that one if there are still possible outstanding legal or financial obligations that have to be fulfilled.

For instance, if a member goes into another relationship immediately, there should be some period of time in which he or she should know whether a former partner may initiate action which would then

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mean them ending up making monthly payments in support. That is why we introduced the two years. On the other hand, it gives what you may call "the grieving party" lots of time to initiate action: two years, about when the relationship may or may not have broken up, according to their own definitions.

As I understand it, if there's a written contract between the two to govern their common-law relationship, then that contract could be legally binding on them and these provisions won't necessarily apply.

CHAIRMAN (Mr. Ningark):

Thank you. General comments on Bill 5. Member for Thebacha.

MRS. MARIE-JEWELL:

Thank you. I don't know if I was hearing right, Mr. Chairman, but it appeared that I seem to have heard a very chauvinistic attitude by the Minister, and I always thought he was very fair to women.

Mr. Chairman, I guess what I'm concerned about is I don't want to vote against this bill because I think it's critically important that we look after common law with regard to relationships because there's nothing in the current bill as it is, as we stated. I'm trying to see, where can you give common-law spouses who separate some comfort where they may not want to use the courts, may not want to go through the process of going to a judge to determine a date that they have separated and ensure that they're protected under the time frame that this bill allows. That's basically my concern. Thank you.

CHAIRMAN (Mr. Ningark):

Thank you. Mr. Minister.

HON. STEPHEN KAKFWI:

Mr. Chairman, there are no provisions here. There may not be in the family law reform provisions, but having said that, let me start from the basis that I think all of us acknowledge common-law relationships have minimal protection for both parties. The parties get into that arrangement, I think perhaps not knowing it but having to live with it. So we're trying here just to provide one element because there's some urgency to this one. We haven't addressed all the issues. We haven't addressed all the issues at all.

The amendments, as they are, are all we're proposing at this time. Subsequent provisions to cover other elements of common-law relationships may be coming in the future. Thank you.

CHAIRMAN (Mr. Ningark):

Qujannamiik. General comments. Mr. Whitford.

MR. WHITFORD:

Thank you, Mr. Chairman. I recognize it's a fairly short piece of legislation that we're dealing with here, but it's an important piece of legislation. Just to follow up on some of the things my colleagues have been saying earlier on, I think this is kind of -- forgive me for saying this -- a biased piece of legislation, or amendments, that are being made here.

There's a little story that goes something like this. A boyfriend says to his girlfriend, we can live together so in case we make a mistake we won't have to get a divorce. And the girlfriend says, well, what about the little mistake? Who looks after him? And this is what we're talking about. We're talking about the protection of the innocent victims of relationships that

go wrong. While it's true that we must recognize a certain long-time commitment with marriage, there are times when it happens that people do cohabit and they choose to part later on, but it's been my experience when I was in social work that it was always the woman who was stuck with the children.

What we're looking at here are limitations, that there's still no clear line on -- at least I'm not clear on it -- when does this clock start ticking, this two-year limitation? The responsibilities that people have go beyond a certain time frame, a month or two months or whatever, two years in this case. That's never been clearly defined, and I guess the answer to that has been to let the courts decide that. Well, that's true. Perhaps we can do that, but there are times when a person may not be aware of their legal rights and may not choose to pursue something because either they don't know about it or they have a certain amount of pride that prevents them from pursuing something like this on a legal basis or in such situations where a person may skip out of the country or the province and their whereabouts are unknown. I would like to try to ask that question to the Minister, to try to deal with that issue of if the rights of an individual or the awareness of the legal rights of an individual are not that clear, and a person can perhaps pinpoint it when they got on the airplane, the boat or the car as to when that relationship ended. But if there's no legal action or there's no way of finding out where an individual is to commence action, is this being covered somewhere in case a person skips?

CHAIRMAN (Mr. Ningark):

Thank you. Mr. Minister.

HON. STEPHEN KAKFWI:

Mr. Chairman, the good Member starts his comments by saying he thought it was very biased, and I'm a little bit concerned about the comment, not with that in isolation, because the previous Member said very clearly she thought I was very chauvinistic in the remark I made and I don't know what it means because there's no explanation, it was just left dangling out there by itself. There are lots of name-calling going on in this business. I don't want to pretend I didn't hear it, so I just wanted to let the Member know I got it. It coloured the context in which you made your remarks, Mr. Whitford.

The initial remarks you made, I thought were focusing on, what about the little person. I take that to mean

what about the child. I should point out that this legislation doesn't apply to child support payments, it only applies to where a man or a woman who was in a common-law relationship wants to apply, after that relationship has broken up, for support payments for themselves. Where a child is involved, there is no limitation whether the child comes out of a common-law relationship or a legally married couple. So there is that comfort for us in there.

As to what can we do with common-law spouses who may appear to be out of the legal reach of this government or the courts, I don't know the answer to that. I don't know if there any provisions for people who are compelled to make payments or who are being taken to court to seek support payments, whether they should be compelled through the government of another country to provide those payments. I don't know that. I think that was what you were asking in the last part of your question.

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CHAIRMAN (Mr. Ningark):

Thank you. Qujannamiik. General comments.

SOME HON. MEMBERS:

Clause by clause.

Clause By Clause

CHAIRMAN (Mr. Ningark):

Okay. We shall go clause by clause. Bill 5, An Act to Amend the Maintenance Act. Jeannie Marie-Jewell.

MRS. MARIE-JEWELL:

Thank you, Mr. Chairman. My remarks weren't meant to be construed as name-calling, they were just basically my opinion. And, Mr. Chairman, before we go clause by clause, I would like to request that a quorum be present. Thank you.

CHAIRMAN (Mr. Ningark):

Thank you. I will ring the bell.

Thank you. I would like to remind Members that we get paid for a full day to attend session. There was a request to go clause by clause through Bill 5, An Act to Amend the Maintenance Act. Clause 1.

SOME HON. MEMBERS:

Agreed.

---Agreed

CHAIRMAN (Mr. Ningark):

Clause 2.

SOME HON. MEMBERS:

Agreed.

---Agreed

CHAIRMAN (Mr. Ningark):

Thank you. Clause 3.

SOME HON. MEMBERS:

Agreed.

---Agreed

CHAIRMAN (Mr. Ningark):

Qujannamiik. Clause 4. Mr. Dent.

MR. DENT:

Thank you, Mr. Chairman. I would like to ask the Minister if he could advise me if there is anything similar to this clause affecting people who are legally married?

CHAIRMAN (Mr. Ningark):

Qujannamiik. Mr. Minister.

HON. STEPHEN KAKFWI:

Mr. Chairman, this act won't apply to a legally married couple who have proceeded to get a divorce. Once a divorce is finished, they won't have recourse to apply for this. But, it is possible, if they choose not to get a divorce, stay legally married but informally separate, that they may use these provisions to seek support payments if they choose not to use divorce legislation to iron out discrepancies.

CHAIRMAN (Mr. Ningark):

Clause 4. Mr. Dent.

MR. DENT:

Mr. Chairman, I don't think the Minister understood my question. As I read clause 4, this would now

provide for the equivalent to a prenuptial agreement for a common-law marriage. I'm asking, does a prenuptial arrangement have any basis in law when there is a marriage that takes place?

CHAIRMAN (Mr. Ningark):

Thank you. Mr. Minister.

HON. STEPHEN KAKFWI:

Yes, the courts do recognize agreements that have been entered into.

CHAIRMAN (Mr. Ningark):

Thank you. Mr. Dent.

MR. DENT:

Mr. Chairman, I'm surprised by that. I know that my wife and I did have a prenuptial agreement before we got married and we were advised by our lawyer that it had no basis in law and could only be used as an instrument of evidence should it ever be brought into court. I was wondering if the Minister could advise me when the law was changed to allow prenuptial agreements to be considered legally binding?

CHAIRMAN (Mr. Ningark):

Mr. Minister.

HON. STEPHEN KAKFWI:

Mr. Chairman, I will ask Janis Cooper to try to answer that question.

CHAIRMAN (Mr. Ningark):

Thank you. Mrs. Cooper.

HON. STEPHEN KAKFWI:

I understood the question to mean if a common-law couple entered into an agreement, would that have legal status and I understood that it did. But, if you are talking about agreements before a legal marriage took place, that is not what I was answering. I will let Janis Cooper answer that question.

CHAIRMAN (Mr. Ningark):

Go ahead, Janis.

MS. COOPER:

Mr. Chairman, I'm sorry, I don't have the definitive answer right here. It gets a little bit complicated because if you are talking about whether a prenuptial agreement might be respected when a judge is looking to grant a divorce -- relief under a divorce, as you mentioned -- it can be used as evidence of intention or agreement that was entered about what kinds of obligations would arise. If it is anything to do with the children, the court would not look at it if it goes against the best interests of any children. That is one time when it wouldn't apply. But, the way the act is worded right now, a person has an obligation to support their spouse until they are no longer a spouse. This is the Maintenance Act.

It gets quite complicated when we are looking at different pieces of legislation that might apply because usually in a divorce situation, one would be seeking support under the Divorce Act. This act would have no more application once spouses are divorced. I'm sorry, I can't give you any further answer now on that specific point. I would have to look into it.

CHAIRMAN (Mr. Ningark):

Thank you. Clause 4. Mr. Dent.

MR. DENT:

Mr. Chairman, the purpose of my questioning is the Minister has said that the intent here is to provide protection to couples who are in a common-law relationship. What I'm trying to find out is what is the difference between the protection being offered common-law relationships and that provided by a marriage. My understanding is that there is no legal basis for prenuptial agreements in the contract of marriage. By putting this clause in this act, we are making a legal basis for such an agreement to have force in common-law relationships.

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The concern is that if the parties enter into an prenuptial agreement which is perhaps one-sided and ill-advised, we are limiting the ability of that partner, after separation, some recourse that would otherwise not be available. My concern has a lot to do with the way this bill is being brought forward and I think it has to do with what I see as a philosophical problem with this government and the way they are approaching this.

The Minister said today that society wants people to get married. Well, I'm not sure, Mr. Chairman, that everybody in society agrees that the formality of a marriage is that important. I'm not sure he can say that a majority of people in our society think that that is that important. I don't know how you do that. I think what we should be trying to do with this legislation is to provide the same sort of protection to people who are not legally married as those who are legally married.

I think this is an important piece of legislation because common-law couples have no protection right now and therefore it's got to go ahead. What I am trying to point out is that we have made some moral judgements here in how this legislation has been brought forward. I guess I should rephrase that because I wasn't part of the decisions, but the government has made some moral judgments, philosophical judgments, in how this has been presented. I think that's evidenced when the Minister says that one party in a common-law relationship may need to know at the end of the relationship that there's a limitation; they won't be sought after at some date for support payments. I don't think that's providing the same level of protection that somebody gets in a legal contract. I think there's a concern here. Because there's absolutely no protection right now, I think this legislation has to go forward but I am pointing out, in my opinion, it's flawed, it's not as good as it should be. I'm positive that this clause being in here will have a serious impact on somebody sooner or later and personally, I don't think it needs to be there.

---Applause

CHAIRMAN (Mr. Ningark):

Thank you. Mr. Minister.

HON. STEPHEN KAKFWI:

Mr. Chairman. There is some reason to make suggestions that we are making some moral judgements, perhaps, whether explicitly or implicitly. We could have come forward with legislation that said we want to provide protection for spouses where they are of the same sex. However, I would suggest that it would receive almost no support in this Legislature for that. Unless you unanimously jump up and prove me wrong, I'd be prepared to go back and redraft but that's the indicators I've got so we didn't do it. These provisions, I felt, were required to address hundreds of cases where couples now living common-law have

no protection. The Member's not listening so I don't know why I'm bothering to talk to him. He wants to make a speech and then whirl around at his desk and expound to other Members; there should be the same respect accorded to me because I'm proposing the legislation. There are good provisions in this legislation, I believe. I think there's good legislation here and it can provide some protection. It's limited, yes, because its specific amendments. There are other amendments, other proposals that are going to come forward in a larger package

as part of the family law reform but at this time this is what we are proposing and I suggest that we should go ahead with it.

CHAIRMAN (Mr. Ningark):

Thank you. General comments. Mr. Dent.

MR. DENT:

Mr. Chairman, I agree wholeheartedly with the Minister that we should go ahead with this legislation. It's unfortunate that he seems to be a little bit sensitive to criticism today but I think that this bill -- and I raised my concerns about this bill at committee so it's not as if he hasn't heard some of them before -- I think that this bill could have been better, it could have protected people better and I'm sorry that it doesn't. Right now, they have no protection so I've always said, yes, we have to proceed with this bill. I certainly don't feel bad for pointing out what I see as weaknesses in this bill. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Ningark):

Thank you. I guess when Bill 5 has come into force, I think it will be subject to the interpretation by the court of law and thereby subject to an appeal. Mr. Minister, do you have any further comments or response? Clause 4, agreed.

SOME HON. MEMBERS:

Agreed.

---Agreed

CHAIRMAN (Mr. Ningark):

Thank you. I think that concludes this bill. The bill as a whole, agreed?

SOME HON. MEMBERS:

Agreed.

---Agreed

CHAIRMAN (Mr. Ningark):

Does the committee agree that Bill 5, An Act to Amend the Maintenance Act, is ready for third reading?

SOME HON. MEMBERS:

Agreed.

---Agreed

Bill 7: An Act To Amend The Co-operative Associations Act

CHAIRMAN (Mr. Ningark):

Bill 5 is now ready for third reading. We shall move on to Bill 7, An Act to Amend the Co-operative Associations Act. Mr. Kakfwi, if you wish to introduce your bill, you could do it from your seat. Who is it? Oh, somebody else then. I would like to thank the witnesses, a little bit late, for appearing before the committee. I am told it's Mr. John Todd, from Rankin Inlet. Please proceed, Mr. Todd.

Minister's Introductory Remarks

HON. JOHN TODD:

Mr. Chairman, recently the Department of Economic Development and Tourism, in conjunction with the Department of Justice, introduced legislation in support of changes to the NWT Cooperative Associations Act.

In order to encourage the formation and growth of northern cooperatives, the Cooperative Associations Act requires certain amendments. Our co-ops need to have improved access to capital in order to expand. In addition, procedures need to be put in place that

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simplify and streamline the set-up and running of cooperatives.

The amendments presented today will enable our cooperatives to raise needed capital by amending their share structure to allow for preferred shareholders while maintaining control at the local level. These amendments will also update the wording of the act and remove administrative

processes which have been bureaucratic and redundant.

During the Standing Committee on Legislation's review of these amendments, two motions were made to revise the proposed act. The first motion moved that the Minister of Justice may appoint a registrar of cooperative associations to carry out the duties set out in this act. The second motion moved that the Minister responsible for Economic Development and Tourism may appoint the supervisor of cooperative associations to carry out the duties set out in this act. The department is pleased to support these motions.

Mr. Chairman, these amendments allow the people of the Northwest Territories to have a direct say in their economic future. When the people in our communities are working together, as they do in local cooperatives, many of the problems that they face can be solved locally and in a manner consistent with the desires of the community, itself. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Ningark):

Thank you, Mr. Minister. On behalf of the Standing Committee on Legislation which reviewed the bill, I believe Mr. Whitford has some remarks.

Standing Committee On Legislation Comments

MR. WHITFORD:

Mr. Chairman, the Standing Committee on Legislation has completed its review of Bill 7, An Act to Amend the Co-operative Associations Act.

Bill 7 proposes to amend the current legislation to provide a mechanism for cooperative associations to increase their capital through the issuing of preferred shares. Nevertheless, Bill 7 is primarily composed of amendments of a housekeeping nature.

Bill 7 would amend the legislation to make more specific the step-by-step procedures that are necessary to: obtain certificates of extra-territorial registration; make or modify association by-laws; amend or alter the associations' memorandum of association; and amalgamate associations.

Bill 7 proposes to provide the Minister with the authority to order an inquiry into the affairs of an association and the authority to order the registrar to dissolve an association or appoint an administrator to an association. Currently, these authorities are granted to the Commissioner.

During the standing committee's public review of the amendments contained in Bill 7, the committee noted that the bill did not include an amendment for the Minister to designate the supervisor position and the registrar position. These appointments are currently made by the Commissioner. Members of the standing committee felt that, for consistency and accountability, the Co-operative Association Act should be amended to allow the Minister of Justice and the Minister of Economic Development and Tourism to appoint incumbents to the positions of registrar and supervisor, respectively.

Therefore, the Standing Committee on Legislation recommends that the Cooperative Associations Act be amended to allow the Minister of Justice to appoint the Registrar of Cooperative Associations and the Minister of Economic Development and Tourism to appoint the Supervisor of Cooperative Associations.

This concludes the Standing Committee on Legislation's report on the review of Bill 7, An Act to Amend the Co-operative Associations Act.

CHAIRMAN (Mr. Ningark):

Thank you. Mr. Whitford, is there a motion? Okay. Before I open the floor for general comments, I would like to ask the honourable Minister, Mr. Todd, if he would like to bring in the witness or witnesses? Mr. Todd.

HON. JOHN TODD:

Yes, please.

CHAIRMAN (Mr. Ningark):

Is it agreed?

SOME HON. MEMBERS:

Agreed.

---Agreed

CHAIRMAN (Mr. Ningark):

Thank you. Mr. Minister, if you recognize the witnesses, could you introduce them to the committee?

HON. JOHN TODD:

Sorry?

CHAIRMAN (Mr. Ningark):

Mr. Todd, if you recognize your witnesses, would you please introduce them to the committee?

---Laughter

HON. JOHN TODD:

On my immediate left, is Ms. Carol Whitehouse, who is legal counsel for the Legislative Assembly; and, to my immediate right, is Gary MacDougall, who is the director of legal registries, Mr. Chairman.

CHAIRMAN (Mr. Ningark):

Thank you very much, Mr. Todd. Bill 7, An Act to Amend the Co-operative Associations Act. General comments from the floor. Shall we go clause by clause?

SOME HON. MEMBERS:

Agreed.

---Agreed

Clause By Clause

Qujannamiik. Bill 7, An Act to Amend the Co-operative Associations Act. Clause 1.

SOME HON. MEMBERS:

Agreed.

---Agreed

CHAIRMAN (Mr. Ningark):

Thank you. Clause 2. Mr. Minister.

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Committee Motion 18-12(7): To Amend Clause 2 Of Bill 7, Carried

HON. JOHN TODD:

Thank you, Mr. Chairman. I move that clause 2 of Bill 7 be amended by striking out the period at the end of paragraph (b) and substituting a semi-colon and by adding the following after paragraph (b):

(c) striking out "by the Commissioner" in the definition "Supervisor."

CHAIRMAN (Mr. Ningark):

Thank you. I will sit here momentarily as the motion is distributed to all Members of the committee.

The motion is in order. To the motion.

MR. KOE:

(Microphone turned off)

CHAIRMAN (Mr. Ningark):

Do you not have a copy of the motion, Mr. Koe? It is coming right now. I believe all Members of the committee now have a copy of the motion, as was read by the Minister. The motion is in order. To the motion.

AN HON. MEMBER:

Question.

CHAIRMAN (Mr. Ningark):

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

---Carried

Mr. Minister.

HON. JOHN TODD:

Thank you, Mr. Chairman. I just have one other motion to move to make the appropriate administrative amendments, as was outlined by Mr. Whitford from SCOL.

Committee Motion 19-12(7): To Amend Bill 7, Carried

HON. JOHN TODD:

I move that Bill 7 be amended by adding the following after clause 2:

2.1Section 2 is repealed and the following is substituted:

2.(1)The Minister of Justice may appoint a Registrar of Co-operative Associations to carry out the duties set out in this Act.

(2)The Minister responsible for Economic Development and Tourism may appoint a Supervisor of Co-operative Associations to carry out the duties set out in this Act. Thank you.

CHAIRMAN (Mr. Ningark):

Thank you. The copy of the motion is being distributed to all Members of the committee. I will wait momentarily before I ask for your comments to the motion. You have a copy of the motion. The motion is in order. To the motion.

AN HON. MEMBER:

Question.

CHAIRMAN (Mr. Ningark):

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

---Carried

Clause 2, as amended.

SOME HON. MEMBERS:

Agreed.

---Agreed

CHAIRMAN (Mr. Ningark):

Thank you. Clause 3.

SOME HON. MEMBERS:

Agreed.

---Agreed

CHAIRMAN (Mr. Ningark):

Qujannamiik. Clause 4 of Bill 7. Mr. Arvaluk.

MR. ARVALUK:

Thank you, Mr. Chairman. On section 2(b), I just need clarification. It reads, "Proof of compliance with the laws of the jurisdiction." Does that mean you can actually have this bill governing those who are operating in Winnipeg; ACL, for example? Can you actually have ACL saying that they only have to comply with the Manitoba jurisdiction? I need the interpretation.

CHAIRMAN (Mr. Ningark):

Thank you. Mr. Minister.

HON. JOHN TODD:

I'll ask Mr. MacDougall to answer the question.

CHAIRMAN (Mr. Ningark):

Mr. MacDougall.

MR. MACDOUGALL:

Thank you, Mr. Chairman. This section involved a cooperative that was incorporated and established in another jurisdiction and which is moving to the Northwest Territories. The amendments here would deal with the procedure upon arrival, so to speak, but there must also typically be authority in the jurisdiction from which they're coming in order to leave that particular jurisdiction. So, when it refers to proof of compliance with those requirements, that is what is being alluded to in paragraph (b). Thank you, Mr. Chairman.

CHAIRMAN (Mr. Ningark):

Qujannamiik. Thank you. Clause 4.

SOME HON. MEMBERS:

Agreed.

---Agreed

CHAIRMAN (Mr. Ningark):

Thank you. On page 3, Bill 7, clause 5.

SOME HON. MEMBERS:

Agreed.

---Agreed

CHAIRMAN (Mr. Ningark):

Qujannamiik. Clause 6.

SOME HON. MEMBERS:

Agreed.

---Agreed

CHAIRMAN (Mr. Ningark):

Thank you. Clause 7.

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SOME HON. MEMBERS:

Agreed.

---Agreed

CHAIRMAN (Mr. Ningark):

Thank you. Clause 8.

SOME HON. MEMBERS:

Agreed.

---Agreed

CHAIRMAN (Mr. Ningark):

Thank you. Clause 9.

SOME HON. MEMBERS:

Agreed.

---Agreed

CHAIRMAN (Mr. Ningark):

Thank you. Clause 10.

SOME HON. MEMBERS:

Agreed.

---Agreed

CHAIRMAN (Mr. Ningark):

Thank you. Clause 11.

SOME HON. MEMBERS:

Agreed.

---Agreed

CHAIRMAN (Mr. Ningark):

Thank you. Clause 12.

SOME HON. MEMBERS:

Agreed.

---Agreed

CHAIRMAN (Mr. Ningark):

Clause 13.

SOME HON. MEMBERS:

Agreed.

---Agreed

CHAIRMAN (Mr. Ningark):

Thank you. Clause 14.

SOME HON. MEMBERS:

Agreed.

---Agreed

CHAIRMAN (Mr. Ningark):

Thank you. Clause 15.

SOME HON. MEMBERS:

Agreed.

---Agreed

CHAIRMAN (Mr. Ningark):

Clause 16.

SOME HON. MEMBERS:

Agreed.

---Agreed

CHAIRMAN (Mr. Ningark):

The bill as a whole.

SOME HON. MEMBERS:

Agreed.

---Agreed

CHAIRMAN (Mr. Ningark):

Does the committee agree that Bill 7, as amended, is ready for third reading?

SOME HON. MEMBERS:

Agreed.

---Agreed

CHAIRMAN (Mr. Ningark):

Thank you. Bill 7 is now ready for third reading. I would like to thank the witnesses for appearing before the committee. Thank you very much.

It seems that we have run out of items this afternoon. Oh, Bill 2. The appropriate Minister in this case is Mr. Nerysoo. Do we have Mr. Nerysoo here? The Honourable Richard Nerysoo.

Bill 2: An Act To Amend The Apprenticeship And Trade Certification Act

Minister's Introductory Remarks

HON. RICHARD NERYSOO:

Thank you, Mr. Chairman. Mr. Chairman, the proposed amendments to the current Apprenticeship and Trade Certification Act reflect recommendations made by the Standing Committee on Agencies, Boards and Commissions to improve the trade certification process and to broaden the scope of the act to permit occupational certification.

The standing committee recommended that adjustments be made to the statutory role and meeting requirements of the board, that trade advisory committees be eliminated and that an alternate system of standards for workplace qualification be developed. The amendments proposed will reduce the number of standing committees and administrative structures while still encouraging a partnership between employers, employees and the government in designing and managing occupational standards.

For example, under the proposed Apprenticeship, Trade and Occupational Certification Act, provisions are being made to allow the board to meet at the call of the chair in consultation with the supervisor of apprenticeship; to remove the requirement of the board to hear and determine appeals relating to apprenticeship contracts; to allow the Minister of Education, Culture and Employment to establish appeal panels as recommended; and, to eliminate all provisions dealing with the establishment or function of trade advisory committees. Regulations under the Apprenticeship, Trade and Occupational Certification Act will be amended to allow trade examining boards to perform similar functions previously carried out by trade advisory committees but on a task-by-task basis. They will be required to provide reports to the Apprenticeship, Trades and Occupational Certification Board.

During the past few years, the apprenticeship program and other occupational certification programs have been under review across Canada. One of the key questions which has been asked has been how to

take advantage of the success of the apprenticeship format and apply it to a broader range of employment positions. These discussions have led to a movement to support occupational certification. This concept involves the development of standards for various types of positions and stresses the protection of public health safety and security. As well, it

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promotes a trained workforce and increases the status and compensation for certified individuals.

Amendments to the Apprenticeship and Trade Certification Act will allow the board to issue certificates of competence in occupations other than designated trades and provide for the regulation of the training and certification of persons in occupations other than the designated trades. Designation of occupations encourages industry to develop and deliver training programs and to monitor standards of training and practice. Government will help facilitate training, provide information and other referrals. A schedule of designated occupations recommended by industry will be established under the new act and regulations.

The first occupation to be designated under the new act will be the occupation of trades helper, as some of you may know. Standards for this occupation have been developed by industry, and certificates are currently being issued on a pilot basis jointly with the NWT Construction Association to construction trainees on GNWT capital construction projects under the building and learning strategy. Seventy northerners have received training and certification to date. The provision to recognize other occupations will increase a northern skilled workforce.

Mr. Chairman, in closing, I would note that the amendments to this act have been prepared not only based upon the input of the Standing Committee on Agencies, Boards and Commissions, but also with the guidance of the members of the Apprenticeship and Trades Certification Board, itself. The board, as you may recall, is made up of both employer and employee representatives from across the Northwest Territories. We believe, Mr. Chairman, that the proposed amendments will strengthen and streamline our apprenticeship system as well as placing the Northwest Territories in the forefront of efforts to develop effective occupational certification in close cooperation with business and industry. Thank you.

With those introductory remarks I am prepared to deal with the bill after the comments by the Standing Committee on Legislation. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Ningark):

Thank you, honourable Minister. On behalf of the Standing Committee on Legislation, Mr. Whitford.

Standing Committee On Legislation Comments

MR. WHITFORD:

Thank you, Mr. Chairman. On behalf of the Standing Committee on Legislation I am pleased to present the report on Bill 2, An Act to Amend the Apprenticeship and Trade Certification Act. The Standing Committee on Legislation is pleased to report that it has concluded its review of Bill 2, An Act to Amend the Apprenticeship and Trade Certification Act. The committee held public hearings on this bill in Yellowknife on Wednesday, January 11, 1995. The Minister of Education, Culture and Employment appeared before the Committee to present the proposed amendments at that time. Although the committee requested input on the bill, no presentations were made by the public.

Bill 2 proposes to amend the current legislation to allow the Minister to designate certain occupations for certification that are not presently designated trades. In addition, the bill amends other sections of the act to respond to 1992 recommendations of the Standing Committee on Agencies, Boards and Commissions with respect to the operations of the Apprenticeship and Trade Certification Board, repealing provisions for trade advisory committees and establishing time-limited appeal panels.

The committee commends the department for its efforts in responding to the recommendations of the Standing Committee on Agencies, Boards and Commissions, and its commitment to young northerners in cooperation with business and industry in this vital area of employment development and training.

Mr. Chairman, that concludes the standing committee's report on Bill 2, An Act to Amend the Apprenticeship and Trade Certification Act. On January 11, 1995, the committee passed a motion that this bill be reported to the Legislative Assembly as ready for consideration in committee of the whole. Thank you.

CHAIRMAN (Mr. Ningark):

Thank you, Mr. Whitford. Before I open the floor for general comments I would like to ask the Minister, Mr. Nerysoo, if he would like to bring in his witnesses.

HON. RICHARD NERYSOO:

Yes, Mr. Chairman, if I could have the support of my colleagues.

CHAIRMAN (Mr. Ningark):

Thank you. The honourable Minister is asking for the concurrence of the committee to bring in his witnesses. Agreed?

SOME HON. MEMBERS:

Agreed.

---Agreed

CHAIRMAN (Mr. Ningark):

Thank you. Proceed, Mr. Minister. For the record, Mr. Minister, please introduce the witnesses to the committee.

HON. RICHARD NERYSOO:

Mr. Chairman, on my right is Mr. Mark Cleveland, who is the assistant deputy minister of culture and careers; on my left the legislative counsel, Ms. Carol Whitehouse.

CHAIRMAN (Mr. Ningark):

Thank you. Welcome to the committee. We are dealing with Bill 2, An Act to Amend the Apprenticeship and Trade Certification Act. The floor is now open to general comments to Bill 2. Mr. Koe.

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General Comments

MR. KOE:

Mahsi, Mr. Chairman. The program for certifying and developing apprenticeship tradesmen is a very beneficial one. We have many examples throughout the north of successful trades people who have worked their way through the apprenticeship program, and I continue to support and encourage any initiatives in enhancing the program.

One of the concerns, I think, is always the quality of training and the ability to provide quality training to

tradespeople, not only in the north but wherever they can get the tradesmen. I think the department and the government have to continue to support that development and the training wherever it is and in whatever trades. So this bill provides us a lot more leeway, the ability to create new occupations, not only for the north -- I guess specifically for the north -- but it may provide some leadership and development of other trades.

One of the concerns in doing that, though -- and it ties in with the quality and it's been raised by some tradespeople -- is the transferability of their certification. People like to train, take training and get some kind of certificate or document saying that they're qualified in a certain area, but I think these people also want to be able to work in other jurisdictions; Alberta, Ontario or wherever, and that paper that they've earned in the Northwest Territories to have some status and some power. I just want to ask the Minister what guarantees can he give us that these trade certificates that our tradesmen get and earn, as to whether or not they're transferable between provinces. Are the ones they earn in the north transferable for use in other jurisdictions?

CHAIRMAN (Mr. Ningark):

Thank you. The honourable Minister.

HON. RICHARD NERYSOO:

Thank you, Mr. Chairman. I'm not sure if I could necessarily guarantee the trades. I do want to say, though, that the programs that are generally being offered now under the trades; if they fall under the category in which there is a red seal exam offered -- in other words, that allows for interprovincial recognition -- there is no particular problem with that.

There are some other trades, though, that do not have interprovincial status but are recognized within each jurisdiction. One is the housing maintenance apprenticeship program that we offer. It provides a broader range of skills and we recognize that as part of our own certification. But there are also other apprenticeship programs that are offered provincially that are not accepted in other jurisdictions.

What I can tell the honourable Member is that for the last two years we have been working with the Labour Market Ministers to identify trades that could be acceptable and, in fact, appropriate curriculum and instruction that will allow for general acceptability right across Canada. We have identified a number of

those and are now working on making sure that the examinations are set out so that an exam can be written, for instance, right in Inuvik on a computer. That's the kind of stuff that we're doing now. Hopefully, there will be an allowance for us. We're still having those discussions. We've not come to any conclusions, but I think there is a recognition that there is a need for us across this country to be more accepting of interprovincial certification, whether or not it's in the trades or in the other occupations. So we are working on that particular matter right now.

CHAIRMAN (Mr. Ningark):

Thank you, Mr. Minister. Before I allow any other general comments, I would like to recognize in the gallery, an elder from Hall Beach, Hubert Amagoalik...

---Applause

---Applause

Thank you. Qujannamiik. General comments. Mr. Arvaluk.

MR. ARVALUK:

Thank you, Mr. Chairman. Just a short comment. Other problems that we sometimes face is after the trainee from the Northwest Territories receives the certification of any trade, whether it's electrical or otherwise. When the trainee seeks a job with the industry in the north, there is sometimes reluctance on the part of some foremen or project managers who have received certification and experience from jurisdictions outside of the Northwest Territories to hire tradesmen who have just received their certification in the NWT. I guess my concern here is I think we should, at some time -- not right now in this bill, but at sometime in the future -- start looking at the appeal system when the particular graduate is accepted for a position that he has been trained and certified for in the Northwest Territories. That's just a short comment I wanted to make, Mr. Chairman. Qujannamiik.

CHAIRMAN (Mr. Ningark):

Thank you, Mr. Arvaluk. I believe that was a point that the honourable Member wished to make. General comments? Are we ready for clause by clause?

SOME HON. MEMBERS:

Clause by clause.

Clause By Clause

CHAIRMAN (Mr. Ningark):

Thank you. Bill 2, clause 1.

SOME HON. MEMBERS:

Agreed.

---Agreed

CHAIRMAN (Mr. Ningark):

Thank you. Clause 2.

SOME HON. MEMBERS:

Agreed.

---Agreed

CHAIRMAN (Mr. Ningark):

Clause 3 of Bill 2.

SOME HON. MEMBERS:

Agreed.

---Agreed

CHAIRMAN (Mr. Ningark):

Thank you. Clause 4.

SOME HON. MEMBERS:

Agreed.

---Agreed

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CHAIRMAN (Mr. Ningark): Qujannamiik.

Clause 5.

SOME HON. MEMBERS:

Agreed.

---Agreed

CHAIRMAN (Mr. Ningark):

Qujannamiik. Clause 6.

SOME HON. MEMBERS:

Agreed.

---Agreed

CHAIRMAN (Mr. Ningark):

Mahsi cho. Clause 7.

SOME HON. MEMBERS:

Agreed.

---Agreed

CHAIRMAN (Mr. Ningark):

Mahsi. Clause 8 of Bill 2.

SOME HON. MEMBERS:

Agreed.

---Agreed

CHAIRMAN (Mr. Ningark):

Merci. Clause 9.

SOME HON. MEMBERS:

Agreed.

---Agreed

CHAIRMAN (Mr. Ningark):

Koana. Clause 10.

SOME HON. MEMBERS:

Agreed.

---Agreed

CHAIRMAN (Mr. Ningark):

Clause 11.

SOME HON. MEMBERS:

Agreed.

---Agreed

CHAIRMAN (Mr. Ningark):

Qujannamiik. Clause 12.

SOME HON. MEMBERS:

Agreed.

---Agreed

CHAIRMAN (Mr. Ningark):

Mahsi. Clause 13 of the bill.

SOME HON. MEMBERS:

Agreed.

---Agreed

CHAIRMAN (Mr. Ningark):

Okay. Bill as a whole.

SOME HON. MEMBERS:

Agreed.

---Agreed

CHAIRMAN (Mr. Ningark):

Thank you. Does the committee agree that Bill 2 is now ready for third reading?

SOME HON. MEMBERS:

Agreed.

---Agreed

CHAIRMAN (Mr. Ningark):

Bill 2 is now ready for third reading.

SOME HON. MEMBERS:

Agreed.

---Agreed

CHAIRMAN (Mr. Ningark):

Thank you. I would like to thank the witnesses. Thank you very much. We have no more business under item 19. What is the wish of the committee?
Mr. Dent.

MR. DENT:

Mr. Chairman, I move we report progress.

CHAIRMAN (Mr. Ningark):

There is a motion on the floor to report progress. The motion is not debatable. All those in favour of the motion, please signify. Opposed? The motion is carried.

---Carried

I will rise and report progress on your behalf. Thank you.

MR. SPEAKER:

The House will come back to order. Item 20, report of committee of the whole. Mr. Ningark.

ITEM 20: REPORT OF COMMITTEE OF THE WHOLE

CHAIRMAN (Mr. Ningark):

Thank you, Mr. Speaker. Mr. Speaker, your committee has been considering bills 3, 5, 7 and 2 and would like to report progress with two motions being adopted; that bills 3, 5 and 2 are ready for third reading; that Bill 7 is ready for third reading, as amended; and, Mr. Speaker, I move that the report of the committee of the whole be concurred with. Thank you.

MR. SPEAKER:

Thank you. Is there a seconder for the motion? Mr. Koe. All those in favour? All those opposed? Motion is carried.

---Carried

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

ITEM 22: ORDERS OF THE DAY

CLERK OF THE HOUSE (Mr. Hamilton):

Mr. Speaker, there will be a meeting of the Striking Committee immediately after adjournment and also a meeting of the Standing Committee on Finance after adjournment this evening. There is a meeting tomorrow morning at 9:00 am of the Ordinary Members' Caucus.

Orders of the day for Friday, February 17th.

1. Prayer
2. Ministers' Statements

3. Members' Statements

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4. Returns to Oral Questions

5. Recognition of Visitors in the Gallery

6. Oral Questions

7. Written Questions

8. Returns to Written Questions

9. Replies to Opening Address

10. Petitions

11. Reports of Standing and Special Committees

12. Reports of Committees on the Review of Bills

13. Tabling of Documents

14. Notices of Motion

15. Notices of Motions for First Reading of Bills

16. Motions

17. First Reading of Bills

18. Second Reading of Bills

19. Consideration in Committee of the Whole of Bills and Other Matters

- Bill 4, An Act to Amend the Limitation of Actions Act

- Bill 6, An Act to Amend the Petroleum Products Tax Act

- Bill 8, An Act to Amend the Dental Mechanics Act

- Bill 9, An Act to Amend the Legal Profession Act

- Bill 10, An Act to Amend the Liquor Act

- Bill 11, An Act to Amend the Income Tax Act

- Bill 12, An Act to Amend the Judicature Act,
No. 2

- Bill 14, Miscellaneous Statutes Amending Act, 1994

- Bill 15, An Act to Amend the Elections Act

20. Report of Committee of the Whole

21. Third Reading of Bills

- Bill 2, An Act to Amend the Apprenticeship and Trade Certification Act

- Bill 3, An Act to Amend the Judicature Act

- Bill 5, An Act to Amend the Maintenance Act

- Bill 7, An Act to Amend the Co-operative Associations Act

22. Orders of the Day

MR. SPEAKER:

Thank you, Mr. Clerk. This House stands adjourned until 10:00 am, Friday, February 17th.

---ADJOURNMENT