



**NORTHWEST TERRITORIES
LEGISLATIVE ASSEMBLY**

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Speaker: The Hon. Samuel Gargon

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MEMBERS PRESENT

Mr. Antoine, Hon. Silas Arngna'naaq, Mr. Ballantyne, Mr. Dent, Hon. Samuel Gargan, Hon. Stephen Kakfwi, Mr. Koe, Mr. Lewis, Mrs. Marie-Jewell, Ms. Mike, Hon. Don Morin, Hon. Richard Nerysoo, Mr. Ningark, Mr. Patterson, Hon. John Pollard, Mr. Pudlat, Mr. Pudluk, Hon. John Todd, Mr. Whitford, Mr. Zoe

ITEM 1: PRAYER

---Prayer

SPEAKER (Hon. Samuel Gargan):

Thank you, Mr. Lewis. Good morning. Orders of the day. Item 2, Ministers' statements. Mr. Pollard.

ITEM 2: MINISTERS' STATEMENTS

Minister's Statement 17-12(7): Ministers Absent From The House

HON. JOHN POLLARD:

Thank you, Mr. Speaker. Good morning. Mr. Speaker, I wish to advise Members that the Premier will be absent from the House today to attend a youth conference in Fort McPherson. The honourable Kelvin Ng will be absent from the House today, Monday and Tuesday to attend to long-standing commitments in his constituency. Thank you, Mr. Speaker.

MR. SPEAKER:

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

Minister's Statement 18-12(7): Firearms Control

HON. STEPHEN KAKFWI:

Mr. Speaker, on February 14th, the Minister of Justice and Attorney General of Canada tabled new firearms legislation, Bill C-68, as he indicated he would when he announced, on November 30, 1994, the government's new firearm control program for the stated purposes of cracking down on the criminal use of firearms, by targeting firearms smuggling and by banning many firearms. The centre piece of the new program is its most controversial aspect: the creation of a national system of registration of all firearms.

Department of Justice officials have begun to analyze the bill in detail, but an early review indicates that there are few differences with the consultation package released on December 4, 1994. I had grave concerns when the consultation package was released and, if anything, the draft legislation tabled on Tuesday leaves me even more unhappy than I was a couple of months ago. While the provisions in Bill C-68 which will create serious consequences for real criminals who use firearms in the commission of offenses are certainly supportable, it has other features which the vast majority of northerners will not support.

When Minister Rock visited the Northwest Territories last October, Members of this Assembly expressed their concerns about new firearms legislation, and I and officials of the Department of Justice met with him on several occasions to educate him on the circumstances of life in the Northwest Territories. We achieved some success in demonstrating that measures designed to address the problems in Toronto, Montreal and Vancouver were totally inappropriate in remote northern settlements where subsistence hunting is a way of life and firearms are a tool.

As a result, Minister Rock made adjustments in the December proposals to relax the rules on the purchase of ammunition to allow someone to buy ammunition on behalf of another person, to allow for aboriginal firearms officers in remote communities, and to adjust the requirements for training on firearms use to accommodate the special needs of native people. Our early review indicates that the improvements respecting ammunition are in the bill, but appears that the remainder of these modest improvements are not reflected in Bill C-68.

Minister Rock, against our best advice, in December and again in Bill C-68, has introduced the universal registration of firearms, which may be fine for Toronto, but is intrusive and offensive when applied in the Northwest Territories. Under these provisions, everyone will have to register every firearm by January 1, 2003, and the failure to do so could result in a criminal prosecution.

Over the past several months, officials of the Department of Justice and of the Department of Renewable Resources have worked extensively with the Department of Justice Canada representatives to try to develop a modified firearms safety training program designed specifically for NWT residents. Bill C-68 may place that work in jeopardy through its

requirement that the Canadian firearms safety training course be the course used throughout the country. Further consultation will be required to determine whether there is a way to soften the blow.

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Our legal advisors indicate that there is a serious question as to whether the universal registration of firearms can properly be done within the federal government's jurisdiction over the criminal law: It may infringe on the jurisdiction of provinces and territories over property and civil rights.

It also interferes with the rights of aboriginal persons to pursue traditional hunting activities, and as such may well infringe section 35 of the Canadian Charter of Rights and Freedoms and the principles set down in the Sparrow case.

The governments of the NWT, Yukon, Alberta and Saskatchewan adopted a common position for presentation to Minister Rock at the meeting of Ministers of Justice in Victoria -- as I reported yesterday -- at the meeting in January 1995. Later today, I will be tabling that position as we gave to the Minister at that time.

At the Victoria meeting, I expressed our objections to these firearms proposals to Mr. Rock in no uncertain terms. Now that the legislation has been introduced, I will be writing to him to confirm the objections of this government. I will also be writing to Warren Allmand, the chair of the Justice and Legal Affairs Committee, suggesting that the committee come to the Northwest Territories as part of its deliberations on this bill. Thank you.

MR. SPEAKER:

Thank you, Mr. Kakfwi. Item 2, Ministers' statements. Item 3, Members' statements. Mr. Dent.

ITEM 3: MEMBERS' STATEMENTS

Member's Statement On Establishment Of Ombudsman Office

MR. DENT:

Thank you, Mr. Speaker. Mr. Speaker, I was looking forward to the report of the Standing Committee on Legislation on the office of the ombudsman. Having heard from many of the public that they feel such an office is very important and should be established; and having attended some of the Standing Committee

on Legislation hearings in December where I heard presentations in favour of such an office, I expected the report would provide guidance to the government on how to proceed with establishing the office of ombudsman.

Mr. Speaker, I was very surprised and disappointed to hear in the report yesterday that the committee feels it best not to proceed right away. I know the committee gave this idea careful consideration and I understand the rationale for their decision, but, Mr. Speaker, I think the office of the ombudsman is important enough that we should proceed with establishing it concurrently with the office of Access and Privacy Commissioner.

Along with the usual duties of an ombudsman, Mr. Speaker, I would like to see the ombudsman for the NWT being given a role as children's advocate. Too often our kids are slipping through the cracks in the system and they have no one to watch out for their interests.

During the Standing Committee on Legislation hearings, I had asked the Minister of Justice if the department had examined the situation in BC where the ombudsman was charged with the role of acting as a child advocate. This is not the perfect solution, Mr. Speaker. The role of an ombudsman and child advocate is different, but in BC they found that assigning limited advocacy for children to the office of ombudsman was an effective way to start the office. They have since established a separate office called the Child, Youth and Family Advocate.

Mr. Speaker, I note the committee report does not recommend the office of the ombudsman not be established, only that it follow the establishment of the office of Access and Privacy Commissioner.

Mr. Speaker, I seek unanimous consent to conclude by statement.

MR. SPEAKER:

Thank you. The Member for Yellowknife Frame Lake is requesting unanimous consent. Are there any nays? Conclude your statement, Mr. Dent.

MR. DENT:

Thank you, Mr. Speaker, honourable Members. Mr. Speaker, since it is not expected that the Access and Privacy Commissioner office will be a full-time position, I strongly urge the government to proceed with legislation as soon as possible to establish the

office of the ombudsman at the same time as the Access and Privacy Commissioner and, most importantly, Mr. Speaker, to assign a child advocacy role to that office. Thank you, Mr. Speaker.

MR. SPEAKER:

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

Member's Statement On Attogoyuk School Graduation

MS. MIKE:

Thank you, Mr. Speaker. On December 17, 1994, I had the pleasure in joining Attogoyuk School students on their graduation ceremony. This was a very special graduation ceremony in more ways than one. Pangnirtung had the highest number of graduates in the Baffin communities. The graduating class was a total of 11. For all of the graduates, it was an especially happy occasion, and for the parents and their teachers. The ceremony was special as one of the graduates, Eena Daisy Sowdluapik, was one of the graduates who received the Governor General's award for top academics in the NWT.

Although I have already stated how proud I am of her and her graduating colleagues, I would once again like to say congratulations to Eena Daisy Sowdluapik and how proud I am of her for having top academics, and to thank her parents for the effort, encouragement and guidance they provided to their daughter.

Mr. Speaker, I wanted to share this good news from my riding with my colleagues, and to encourage the students across the NWT and their parents that hard work pays off in the end. Qujannamiik.

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---Applause

MR. SPEAKER:

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

Member's Statement On Proposed Firearms Legislation

MR. PATTERSON:

Thank you, Mr. Speaker. Mr. Speaker, I must admit I was taken in by Justice Minister Allan Rock when he visited and met with Caucus last fall. He is a fine-looking, smooth-talking, intent man, and he disarmed me somewhat by admitting he was from Toronto, he had no experience with firearms, and I was even more impressed to learn that he even had gone to a shooting range to find out what it's like to fire a gun.

I was very impressed with the unanimous and eloquent views of all Members -- Metis, Dene, Inuit, non-native -- in Caucus on this new firearms legislation, as expressed very forcefully to the Minister when we met with him in Caucus. I remember clearly telling him and warning him politely that even the present laws on safe storage of firearms are largely ignored and, judging from what he was proposing, there had to be a way of exempting northern hunters from the impact of this legislation, just as GHL holders are now at least exempted from the fee for applying for a firearms acquisition certificate.

"I'm hearing you," he assured me. So I was somewhat reassured. I now think that maybe this was a polite way of telling me, "I don't agree with you, but I'll hear you out." Or, "This will never fly in Toronto, but I will listen politely and even intently to what you're saying."

Now I don't know if Mr. Rock is still hearing me or listening, but I would like to tell him something again -- and I think I'm going to need more time to do so, Mr. Speaker, so I would request unanimous consent to conclude my statement, please.

MR. SPEAKER:

Thank you. The Member for Iqaluit is requesting unanimous consent to complete his statement. Do we have any nays? Mr. Patterson, you can conclude your statement.

MR. PATTERSON:

Thank you, Mr. Speaker. I say now -- and I hope he's not only listening, but understanding -- unless this bill is substantially changed, if it's enforced in the territories; we will either have to abandon the traditional way of living on the land or we, in the territories, will become a nation of criminals. Most of the regular hunters in the territories, especially the aboriginal hunters and those who hunt with them, will be compulsorily jailed for breaching this new made-for-cities law: by loaning a firearm, by storing it in someone else's hunting shack or boat; or, by being

unable to afford or understand the sophisticated registration requirements.

I would like to ask, will Mr. Rock and his government help us to build the new jails we would need in every part of the Northwest Territories to house these persons who, on first offence, will be charged by indictment and who will face a compulsory one-year jail term minimum on the second offence. Or, better still, perhaps we could ask his agreement to make the Northwest Territories one giant corrections camp for people who offend the new firearms law. Perhaps we could create an on-the-land corrections facility throughout the Northwest Territories. I hope someone is listening, Mr. Speaker. Thank you.

---Applause

MR. SPEAKER:

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

Member's Statement On Constituency Meetings

MR. LEWIS:

Thank you, Mr. Speaker. For a couple of months, I used your office, Mr. Speaker, and I had a chance to contemplate my future and I did take advantage of informally contacting people in my constituency to get a feeling about what should happen and what I should do to best advance the interests of the people who I represent.

Two people said I should not seek the job as Speaker and the overwhelming number of people said what goes on over there either advances or protects my interests so we elected you to do what you think is right. In this game of politics, whatever happens is the will of the good Lord and I always believe the good Lord is right about what happens in these places. However, during my contact with several trusted people, I was asked about constituency meetings. One person -- who had never been to one, by the way -- asked me why I didn't hold constituency meetings. I said the last one I held cost me \$900. It cost me \$268 for a one-eighth of a page ad, and if you buy three spaces, it costs \$800. The cheapest room I could get was \$50. If you add coffee and doughnuts, that's another \$50. In fact, when you look at the whole thing, it is about \$1,000 if you want to hold a constituency meeting.

The last one I held, I was on my own. But, luckily, Ronna Bremer, who was the local newspaper lady at

that time did show up. So, I sat there and we had a good, long talk and she said, look at this way, Mr. Lewis, you are helping to pay my salary. Don't you feel good that at least you keep me employed and you are doing something for the economy? Well, Mr. Speaker, we don't always have a good relationship with the press and I felt uneasy when this lady told me that I am helping to keep her alive by spending this \$800 to have this meeting.

So today, Mr. Speaker, I would like to announce that I do have a phone number: 669-2292, and if there is anybody who reads Hansard and who wants to talk to me or if they want me to raise something in this House, then I would be very happy to do so. And, if there is an overwhelming demand for all those people out there who think their interests can be advanced and protected in this House, I will, in fact, listen to them and have a constituency meeting. Thank you.

---Applause

MR. SPEAKER:

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

Member's Statement On Opening Of New Community Hall In Nahanni Butte

MR. ANTOINE:

Mahsi, Mr. Speaker. I would like to talk about the opening of the new community hall in Nahanni Butte which took place on the 6th of February. Nahanni Butte is a small community in my constituency at

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the foot of the Nahanni mountain range at the mouth of the south Nahanni River. The south Nahanni River is where the Nahanni National Park is. It is home for about 80 people. For the most part, Nahanni Butte is an isolated community and accessible only by air most of the year.

The people of this community still live a very traditional lifestyle, participating in activities like hunting, trapping and fishing; living off of the land. The people of Nahanni Butte have become more involved in community development over the past few years and one of the areas identified as a community concern was the need for facilities to hold council meetings, community gatherings and other events. It is with great pride to see the community benefit from such a building. On February 6th, in cooperation with

the Department Municipal and Community Affairs and the Department of Public Works and Services, it was possible to open this building.

The honourable Minister of Municipal and Community Affairs, Mr. John Pollard, as well as the Honourable Don Morin, then Minister of Public Works and Services, attended this gathering. On behalf of the people of Nahanni Butte, I would like to take this opportunity to thank the two Ministers, the departments and this Legislature for helping the people of Nahanni Butte to have a new building to meet and have celebrations, like most of the other communities in the north enjoy today. Mahsi.

---Applause

MR. SPEAKER:

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

Member's Statement On Swearing-In Ceremony Of Governor General

MR. WHITFORD:

Thank you, Mr. Speaker. Mr. Speaker, I think it was a couple of weeks ago that we had the swearing-in of the new Governor General, the Honourable Romeo LeBlanc, in Ottawa; well-attended by the Northwest Territories. I believe the Commissioner was there and others to participate in that ceremony. I've had the pleasure, over the past several years, of meeting Mr. LeBlanc on a couple of occasions in Ottawa. And, as a result of his latest appointment, I sent a congratulatory letter on behalf of my constituents.

The outgoing Governor General, the Right Honourable Ramon Hnatyshyn and Mrs. Hnatyshyn, has been a frequent visitor to the Northwest Territories. He was here on a number of occasions prior to his becoming Governor General, and certainly on two occasions during his tenure when he visited Yellowknife and other communities. It is always nice to have representatives of that high office visit this part of Canada. The motto on the coat of arms does say "from sea to sea," but in fact, Mr. Speaker, it should say from "sea to sea to sea." It is good to see that, on occasion, this high office does come to this part of the world and they are welcomed and shown the hospitality that northerners give. I certainly would extend an invitation, on behalf of my constituents at least, to the new Governor General and Mrs. LeBlanc

to come to the Northwest Territories to visit us on the first occasion they can find in their busy schedule.

Mr. Speaker, it was very pleasant news when they induct such an important office and in his inaugural speech he said -- having been a correspondent over the years -- it isn't always that the media reports the good news. They are very quick to report bad news, incidents that occur: war, pestilence, crime, stuff like that. He encouraged the media to report more good news and it does happen. I think it is a good idea because people get very cynical when they read newspapers and all they see in it is very bad news. It was good news for us to hear the announcement of his appointment and the swearing-in ceremony.

One piece of good news that some northerners have told me they would like to see one of these days, would be that the Queen's representative in Canada would be an aboriginal person. We talk about the two founding races and we have had representatives from both English and French, but it is time that they look at an aboriginal person for the office of the Governor General. I just thought that I should point that out for perhaps the next time around. The Prime Minister should look around for someone, starting now, as the tenure of the Governor General is only five years.

MR. SPEAKER:

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

Member's Statement On Proposed Firearms Legislation

MR. BALLANTYNE:

Thank you, Mr. Speaker. Mr. Speaker, I have always been amazed by the ongoing machiavellian ways of the federal Department of Justice. After years of requests from Canadians to legislate minimum sentences for those convicted of sexual offences against children; numerous requests to provide anti-stalking laws to protect women from injury and death from the hands of a bitter, twisted former boyfriend or wives; 10 years of complaints about the Young Offenders Act; demands for 10 years to change the Young Offenders Act to deal with some very violent and dangerous young offenders, we have always been told by the federal Department of Justice, by the Ontario defence lawyers that we must be fair, that everybody has rights. There is a Charter of Rights, we have no right to infringe on other people's rights, people have to be patient.

But now the federal government is finally going to act; the federal government is bringing in some very tough sentences: up to 10 years. The second offence, a minimum sentence of one year; very unusual in Canadian law. The third offence, a minimum sentence of two years minus one day. Are these tough laws against child sexual abusers? No. Are they against wife-beaters? No. Are they against violent young offenders? No. The federal government is finally going to get tough against any poor soul who forgets to register their firearm.

Now, I am sympathetic to people in large cities who are facing major crime problems. I am sympathetic to police forces who are really afraid of the proliferation of firearms. I am in favour of controlling hand guns and assault rifles, but let's get our priorities straight. We must punish real criminals, we have no right, and the government has no right, to create a whole new class of criminals. The federal government, and all governments, are having a terrible problem right now in trying to deal with our existing crime rate. I think that it is important for all of us to remember, especially the federal government, that this is not the time to

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create a whole new class of criminals out of honest citizens who, because they are not familiar with the law or because they don't understand it, could be actually put into jail. So, Mr. Speaker, I feel very strongly that the new firearms law has to be changed. Thank you.

MR. SPEAKER:

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

Member's Statement On Proposed Firearms Legislation

MR. PUDLAT:

(Translation) Thank you, Mr. Speaker. As the Minister of Justice said in his statement about the new legislation on firearms, this will impose a lot of difficulties in the north because we are unique in the Northwest Territories. If we misuse the firearms or if we fail to register them, they will be able to put us in jail even though we didn't commit an actual crime. This will have a big effect on the residents of the Northwest Territories.

We don't use firearms to injure or kill other people, and a lot of times we have to have different rifles. If

this legislation goes through then we will have to have only one gun. But the animals, the wildlife that we hunt, are different sizes and we use different rifles accordingly, as he mentioned. If this legislation is going to go through, as my colleague from Iqaluit said, they are going to have to put up a lot of new correctional centres because, if this goes through, it is very clear that they will have to send us to jail. And as we know now, the correctional centres in the NWT are often full. I think there should be an exception in that legislation that will apply to the residents of the Northwest Territories. They are going to have to treat us uniquely, because we don't use firearms on other people, we use them for our livelihood. Our ancestors worked really hard so they could provide us with food. Thank you, Mr. Speaker.

MR. SPEAKER:

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

Member's Statement On Creation Of Ombudsman Office

MRS. MARIE-JEWELL:

Thank you, Mr. Speaker. Mr. Speaker, yesterday, I, too, was disappointed in the House when the Legislation committee recommended that the creation of the office of an ombudsman should not be brought forth until the government 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, I was disappointed for two reasons: One, is that the public opinion did not seem to be taken into account when this decision was being formulated; and, two, the onus is being left for the government to determine whether or not a need for a more general type of ombudsman is required.

First of all, Mr. Speaker, I believe the role of an ombudsman is to investigate a complaint and to make the public aware of a case, for which there are many people out in the territories who would like to see someone that they can specifically go to. I recognize that an MLA does play this role many times, but at the same time, there are times when we advocate on behalf of our constituents and we do get charged for political interference.

It is known that the Standing Committee on Legislation consistently heard that members of the

public would be receptive to the creation of an ombudsman-like office. So, Mr. Speaker, as I said, I don't feel that we were listening to the public, once again.

Secondly, Mr. Speaker, we are going to wait for the government to determine whether or not a need for a more general type of ombudsman is required.

Now, Mr. Speaker, I don't believe that the government is going to anxiously look at determining whether or not an ombudsman is required. It will no doubt take a while and it won't be this government to determine how effective the recently-passed Access to Information and Protection of Privacy Act is. So it will probably be the next government and it is unfortunate. But I will say, Mr. Speaker, that we are fortunate that this document is going into committee of the whole, where we can discuss this matter in length. Thank you.

MR. SPEAKER:

Thank you, Mrs. Marie-Jewell. Item 3, Members' statements. Item 4, returns to oral questions. Mr. Nerysoo.

ITEM 4: RETURNS TO ORAL QUESTIONS

Return To Question 61-12(7): Involvement Of Divisional Boards In Nunavut Education Planning Committee

HON. RICHARD NERYSOO:

Thank you, Mr. Speaker. If I might provide a return to a question asked by Mr. Patterson on February 15, 1995 regarding involvement of divisional boards in the Nunavut Education Planning Committee; more particularly, our department.

For the information of the honourable Members, on January 6, 1995, I wrote as the Minister of Education, Culture and Employment, to the chairperson of the Nunavut Education Planning Committee to help clarify the role and the mandate of the committee. The focus of the letter was also to ensure that those involved in education, culture and employment programs work cooperatively to provide quality programs and services.

The Nunavut Education Planning Committee had been focusing their work on organizational and administrative issues. The Nunavut Implementation Commissioner and Members of the Legislative Assembly already have the responsibility to address

organizational structures for the delivery of programs. The letter recommended that although it may be necessary for the committee to discuss these matters, it should focus its attention on finding ways to improve the programs and services delivered in Nunavut while managing the related costs. The letter also noted the boards and divisional boards and colleges are responsible for program delivery, and that we need the benefit of their experience to improve programs.

The letter suggested that, given the need to focus on programs, departmental staff could be better used to continue their participation as resources to the committee, rather than serve as members on a committee making recommendations to the Minister. A strategic plan to 2010 describes the need to build a learning system with all our partners, and responds to the needs and aspirations of northerners.

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The Department of Education, Culture and Employment, boards and divisional boards of education and the colleges will continue to work cooperatively with members of the Nunavut Education Planning Committee to enable success of the systems for education and training in Nunavut. Thank you, Mr. Speaker.

MR. SPEAKER:

Thank you. Item 4, returns to oral questions. Item 5, recognition of visitors in the gallery. Item 6, oral questions. Mr. Ballantyne.

ITEM 6: ORAL QUESTIONS

Question 86-12(7): Reorganization Of NWT DIAND Office

MR. BALLANTYNE:

Thank you, Mr. Speaker. My question is to the Minister of Energy, Mines and Petroleum Resources. Mr. Speaker, it's to do with some reorganization in the federal department of Indian and Northern Affairs here in the Northwest Territories. My question to the Minister, has there been a reorganization in the office of DIAND in the Northwest Territories and has the mining component of the DIAND office been lessened? Thank you.

MR. SPEAKER:

Thank you. Minister of Transportation, Mr. Todd.

Return To Question 86-12(7): Reorganization Of NWT DIAND Office

HON. JOHN TODD:

Thank you, Mr. Speaker. I believe that discussions are under way between ourselves and the Department of IAND with respect to this issue. It appears that mining isn't getting what we believe is the attention it should, in particular with the last two or three years' activities with relationship to diamonds. We are working closely with the DIAND office and Ottawa in an effort for them to recognize the importance that this industry has, and that they should move that particular function up the priority ladder. Thank you.

MR. SPEAKER:

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

Supplementary To Question 86-12(7): Reorganization Of NWT DIAND Office

MR. BALLANTYNE:

Supplementary, Mr. Speaker. Could the Minister give to this House the details of any changes that have taken place in the DIAND office in the Northwest Territories in the last year? Thank you, Mr. Speaker.

MR. SPEAKER:

Mr. Todd.

Further Return To Question 86-12(7): Reorganization Of NWT DIAND Office

HON. JOHN TODD:

Thank you, Mr. Speaker. I'm prepared to provide the honourable Member with any details he requires. As I say, there are ongoing discussions taking place right now. Our position, and certainly mine, as the Minister, is that there should be greater priority placed on the mining industry, particularly, as I said, as it relates to the current climate, the need to be a little more self-sufficient, and of course the moves that we're making to seek satisfactory negotiations in transferring minerals to the Northwest Territories government. Thank you.

MR. SPEAKER:

Thank you. Mr. Ballantyne, supplementary.

Supplementary To Question 86-12(7): Reorganization Of NWT DIAND Office

MR. BALLANTYNE:

Thank you, Mr. Speaker. Would the Minister express in strong terms to the federal Minister of Indian and Northern Affairs; we know we're attempting to take over the responsibility for minerals, and in the meantime either they provide the adequate resources here to deal with the most mining activity we've had here in years or they allow your department to deal with it. They can't have it both ways. They can't have control of mining and then cut back in their staff here in the Northwest Territories. Can I ask the Minister for that assurance, please?

MR. SPEAKER:

Mr. Todd.

Further Return To Question 86-12(7): Reorganization Of NWT DIAND Office

HON. JOHN TODD:

Thank you, Mr. Speaker. Again I want to assure the honourable Member that, certainly from a GNWT perspective, we're being very aggressive as it relates to the mining industry, both myself as the Minister, and as a Cabinet. I will express to Minister Irwin that there has to be greater priority placed on this activity, and that his department should address it accordingly.

MR. SPEAKER:

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

Question 87-12(7): Status Of Development Of Credit Union

MR. KOE:

Mahsi, Mr. Speaker. Mr. Speaker, I have a question for the Minister of Economic Development and Tourism. In previous sessions, and in particular last October, I asked questions about the funding request to establish a credit union in the Northwest Territories. I believe the Minister responded at that time to the effect that we are moving as quickly as we can to get the application forward, we are responding as quickly as we can and we are trying to move quickly on it, hopefully by the end of October. Mr. Speaker, it is now February 1995 and there's still a need to establish financial institutions in our smaller communities. My question is what is the current

status in the development of a credit union in the Northwest Territories?

MR. SPEAKER:

Minister of Economic Development and Tourism, Mr. Todd.

Return To Question 87-12(7): Status Of Development Of Credit Union

HON. JOHN TODD:

Thank you, Mr. Speaker. I had indicated at the time that we would be looking at the possibility of trying

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to provide \$1 million under EDA over a period of time for the ACL's request for a credit union. We're still working on that at this time. The management committee is also looking at it. Unfortunately, over the last several months there has been a tremendous rush on the economic development agreement, and at this time we haven't been able to come to an agreement with EDA, on whether or not the \$1 million is available.

However, we are also working parallel with Industry, Science and Technology in an effort to try and seek funding in that area. If we were to be successful in finding that \$1 million through Industry, Science and Technology which would be outside of the EDA then we may be able to move much more quickly on this issue than we have. Thank you.

MR. SPEAKER:

Thank you, Mr. Todd. Mr. Koe, supplementary.

Supplementary To Question 87-12(7): Status Of Development Of Credit Union

MR. KOE:

Mahsi, Mr. Speaker. The request was made early last fall, probably much before October when the questions were asked. I would assume at that time there would have been a considerable amount of free balance in the EDA pot. The Minister now just mentioned that maybe that money is not available. How does EDA prioritize applications?

Is it upon date of receipt and there is a commitment made, or do they have to wait until formal approval is given by the committee before that money is set

aside? I'm just curious as to how available monies are allocated or committed from EDA funds.

MR. SPEAKER:

Mr. Todd.

Further Return To Question 87-12(7): Status Of Development Of Credit Union

HON. JOHN TODD:

Well, the availability of funding and the allocation of money is determined through a management committee. The management committee determines if it is an appropriate funding request, if it meets the criteria set in the different sections of the EDA. It is my understanding that the management committee did find this application for \$1 million was eligible but, at the time, there was insufficient money available for that particular criteria. As I said, we are currently working with Industry, Science and Technology in an earnest and genuine effort to try to find the dollars for ACL to partially fund the credit union.

I think it is important to point out that there are others who will have to come into the equation with respect to the development of credit unions, and that would include the federal government. There would also have to be some significant legislative change in this House, along with some guarantees on the deposits. So, it is not just a simple case of trying to find \$1 million. It is a little more complicated than that. But we are currently trying to find this money for them. Thank you.

MR. SPEAKER:

Thank you. Supplementary, Mr. Koe.

Supplementary To Question 87-12(7): Status Of Development Of Credit Union

MR. KOE:

Thank you, Mr. Speaker. Can the Minister indicate what funds or what contributions the Government of the Northwest Territories has given to Arctic Co-ops Limited to help develop this application and proposal for development of credit unions?

MR. SPEAKER:

Mr. Todd.

Further Return To Question 87-12(7): Status Of Development Of Credit Union

HON. JOHN TODD:

Thank you, Mr. Speaker. I stand to be corrected, but I don't think we've given them any direct contributions through grants to develop their application. This is a long-outstanding issue which Mr. Lyall, the president of ACL, has been lobbying very hard for over the last two or three years but I don't believe there was any contribution from the department. Thank you.

MR. SPEAKER:

Thank you. Final supplementary, Mr. Koe.

Supplementary To Question 87-12(7): Status Of Development Of Credit Union

MR. KOE:

Mahsi, Mr. Speaker. May I ask the Minister if he is still committed to the development of credit unions in the Northwest Territories?

MR. SPEAKER:

Mr. Todd.

Further Return To Question 87-12(7): Status Of Development Of Credit Union

HON. JOHN TODD:

Thank you, Mr. Speaker. I wouldn't dare not be. Yes, we are committed to assisting the development of credit unions in the Northwest Territories. Thank you.

MR. SPEAKER:

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

Question 88-12(7): Rejection Of BHP Application

MR. DENT:

Thank you, Mr. Speaker. Mr. Speaker, my question is for the Minister of Energy, Mines and Petroleum Resources. Mr. Speaker, there has been some concern expressed that BHP may have to shut down their exploration program in the very near future because their initial application to develop an all-weather exploration road was turned down by the RERC. Since the Government of the Northwest Territories participates on this review committee, can

the Minister outline why their application was rejected?

MR. SPEAKER:

Minister of Energy, Mines and Petroleum Resources, Mr. Todd.

Return To Question 88-12(7): Rejection Of BHP Application

HON. JOHN TODD:

Thank you, Mr. Speaker. First of all we are just one party who sits on the RERC. EM&PR, Renewable Resources and Economic Development sit on that committee, as well as our federal counterparts. My understanding is that the initial application -- which, I understand has been resubmitted -- was rejected due

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to some information deficiencies of the site-specific details. In other words, how would this road affect wildlife, the environment, et cetera. It is my understanding that BHP has reapplied and tried to address the deficiencies in the original application.

MR. SPEAKER:

Thank you, Mr. Todd. Mr. Dent.

Supplementary To Question 88-12(7): Rejection Of BHP Application

MR. DENT:

Thank you, Mr. Speaker. Supplementary to the same Minister. Could the Minister advise the House when a decision is expected on this reapplication that BHP has made?

MR. SPEAKER:

Mr. Todd.

Further Return To Question 88-12(7): Rejection Of BHP Application

HON. JOHN TODD:

Thank you, Mr. Speaker. First of all, I would hope that if the application has been done in a manner that answers some of the initial concerns expressed by the RERC, we would get approval on this issue; I would like to say that upfront. It is my understanding that the reapplication was submitted in mid-January.

We are trying to encourage the RERC to move quickly to make a decision on it. I don't have the exact date as to when we can expect that today, but I would imagine it is imminent.

MR. SPEAKER:

Thank you. Supplementary, Mr. Dent.

Supplementary To Question 88-12(7): Rejection Of BHP Application

MR. DENT:

Thank you, Mr. Speaker. Supplementary to the same Minister. Mr. Speaker, I would like to ask the Minister if this government, specifically his department, works with mining companies to help them -- perhaps by putting them together with Renewable Resources people -- understand the environmental concerns of northerners? Is there a proactive approach in helping mining companies understand how they need to approach their projects in the Northwest Territories?

MR. SPEAKER:

Mr. Todd.

Further Return To Question 88-12(7): Rejection Of BHP Application

HON. JOHN TODD:

Well, obviously, up to now this government has been pretty clear that we see the need for orderly, environmentally-sound development of the mining industry. I think the Premier, the Finance Minister and everybody else at this table have talked about that. I think it is important to say publicly that is where we are coming from.

EM&PR does work with the mining industry in trying to assist them in meeting, if you want, the needs of these applications that have to go forward to environmental review committees. I'm not so sure that we're as active as maybe we should be but what I have done is instructed EM&PR to be more proactive in this area so we can avoid, hopefully, as many delays as possible and meet all the environmental requirements that these committees request from industry. Thank you.

MR. SPEAKER:

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

Question 89-12(7): Wood Cutting Permit In Fort Smith

MRS. MARIE-JEWELL:

Thank you, Mr. Speaker. Mr. Speaker, I welcome back the Minister of Renewable Resources and I have a question for him. Mr. Speaker, last month his department issued a permit to either the chief park warden for Wood Buffalo National Park or to the chief park warden's son in our community. The permit was to cut wood along a certain area of the banks of the Slave. However, apparently, the wood was cut in the wrong area and, according to the local people and organizations -- specifically the band and the Metis -- it appears that many violations were committed.

But, Mr. Speaker, when the complaint was brought to the attention of Renewable Resources, a report was done, but no charges laid for violations which appear to have occurred. Mr. Speaker, would the Minister provide to this House a copy of the permit issued? Thank you.

MR. SPEAKER:

Minister of Renewable Resources, Mr. Arngna'naaq.

Return To Question 89-12(7): Wood Cutting Permit In Fort Smith

HON. SILAS ARNGNA'NAAQ:

With regard to the specific question the honourable Member is asking, I would respectfully request what particular incident that took place in Fort Smith. Then, I would be able to respond about whether I would be able to provide a response to the request. Thank you.

MR. SPEAKER:

Mrs. Marie-Jewell.

Supplementary To Question 89-12(7): Wood Cutting Permit In Fort Smith

MRS. MARIE-JEWELL:

Mr. Speaker, I'm sure if the Minister asks his department about the permits issued for cutting wood in the Fort Smith area, there is only one chief park warden for Wood Buffalo National Park. I don't want to name any names. I'm sure the Minister would become aware of the incident if he brought it to his department's attention. Therefore, I would like to ask the Minister again if he would provide a copy of the

permit issued by his department to either myself, as a Member, or to this House. Thank you.

MR. SPEAKER:

Mr. Arngna'naaq.

Further Return To Question 89-12(7): Wood Cutting Permit In Fort Smith

HON. SILAS ARNGNA'NAAQ:

Thank you, Mr. Speaker. I certainly will make the permit the Member is asking for available. Thank you.

MR. SPEAKER:

Thank you. Mrs. Marie-Jewell.

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Supplementary To Question 89-12(7): Wood Cutting Permit In Fort Smith

MRS. MARIE-JEWELL:

Thank you, Mr. Speaker. Would the Minister also be willing to provide to this House the report formulated by his department officials on this particular incident? Thank you.

MR. SPEAKER:

Thank you. Mr. Arngna'naaq.

Further Return To Question 89-12(7): Wood Cutting Permit In Fort Smith

HON. SILAS ARNGNA'NAAQ:

Thank you, Mr. Speaker. I am not aware of the particulars of how permits are issued. I am willing to review it and will provide the Member with the information she is requesting. Thank you.

MR. SPEAKER:

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

Supplementary To Question 89-12(7): Wood Cutting Permit In Fort Smith

MRS. MARIE-JEWELL:

Thank you, Mr. Speaker. I would like to also ask the Minister, once he reviews the issue, if he feels that his department didn't follow the policies which are formulated by his department, would he ensure that this incident be rectified? Thank you.

MR. SPEAKER:

Thank you. Mr. Arngna'naaq.

Further Return To Question 89-12(7): Wood Cutting Permit In Fort Smith

HON. SILAS ARNGNA'NAAQ:

Yes, Mr. Speaker.

MR. SPEAKER:

Item 6, oral questions. Mr. Patterson.

Question 90-12(7): Status Of Regional Councils Act

MR. PATTERSON:

Thank you, Mr. Speaker. Mr. Speaker, my question is to the Government House Leader, Mr. Pollard. I would like to ask if the Regional Councils Act of the Northwest Territories is still in force? Thank you.

MR. SPEAKER:

Thank you. Mr. Pollard.

Return To Question 90-12(7): Status Of Regional Councils Act

HON. JOHN POLLARD:

Thank you, Mr. Speaker. Yes, the act is still in force. Thank you.

MR. SPEAKER:

Thank you. Mr. Patterson.

Supplementary To Question 90-12(7): Status Of Regional Councils Act

MR. PATTERSON:

Thank you, Mr. Speaker. I would like to ask the Minister if the government has any intention to repeal the Regional Councils Act? Thank you.

MR. SPEAKER:

Mr. Pollard.

Further Return To Question 90-12(7): Status Of Regional Councils Act

HON. JOHN POLLARD:

No, Mr. Speaker, there is no intention to do that at this time.

MR. SPEAKER:

Thank you. Mr. Patterson.

Supplementary To Question 90-12(7): Status Of Regional Councils Act

MR. PATTERSON:

Mr. Speaker, the act is in force and there is no intention to repeal it. I take it then that the requirement in section 5(1) of the act, "...that each regional and tribal council shall meet at least twice each year" is still in force. Thank you.

MR. SPEAKER:

Thank you. Mr. Pollard.

Further Return To Question 90-12(7): Status Of Regional Councils Act

HON. JOHN POLLARD:

The act is still in force, therefore, that section of the act is still in force. Yes, Mr. Speaker. Thank you.

MR. SPEAKER:

Thank you. Mr. Ballantyne.

Question 91-12(7): Status Of Nursing Profession Act

MR. BALLANTYNE:

Thank you. I have a question for the Government House Leader and it is regarding the Nursing Profession Act. I have already written a letter to the House Leader, but I would like to get on public record the concerns of many nurses that this particular act is on the government agenda for this session. Could the Government House Leader confirm that we will have an opportunity to deal with this act during this session? Thank you.

MR. SPEAKER:

Thank you. Mr. Pollard.

HON. JOHN POLLARD:

Thank you, Mr. Speaker. Mr. Speaker, I will take the question as notice. Thank you.

MR. SPEAKER:

The question has been taken as notice. Item 6, oral questions. Mr. Patterson.

Question 92-12(7): Funding For Regional And Tribal Council Meetings

MR. PATTERSON:

Thank you, Mr. Speaker. Mr. Speaker, my question is to the Minister of Finance. Again, it is about the Regional Councils Act. Mr. Speaker, section 15 provides that the Minister may provide funding to councils by means of grants or contributions, or both, in accordance with the Financial Administration Act. Since section 5 states that councils shall meet twice a year, I would like to ask the Minister of Finance, unless the Minister wishes to undermine the existence of a regional or tribal council, would it be correct to say that funding should be provided to regional and tribal councils in the Northwest Territories to enable them to meet twice a year? Thank you.

MR. SPEAKER:

Mr. Pollard.

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Return To Question 92-12(7): Funding For Regional And Tribal Council Meetings

HON. JOHN POLLARD:

Thank you, Mr. Speaker. Mr. Speaker, there would never be any attempt by the Government of the Northwest Territories to undermine a regional council. So if that is what the act calls for, if the regional council is up, running and still in place, then we would be obliged to provide that particular funding. Thank you, Mr. Speaker.

MR. SPEAKER:

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

Supplementary To Question 92-12(7): Funding For Regional And Tribal Council Meetings

MR. PATTERSON:

Mr. Chairman, the Minister may be aware that in some regions, such as the Baffin region, mayors and MLAs who are regular Members of the regional council, along with the regional Inuit association have decided that they would like to forego the cost of an ongoing office and overhead, but they have still expressed their desire to continue meeting as a regional council twice yearly. Does the Minister agree that in Baffin, for all purposes, the regional council is still in existence? Thank you, Mr. Chairman.

MR. SPEAKER:

Mr. Patterson, it is Mr. Speaker. I was the chairman. Mr. Pollard.

Further Return To Question 92-12(7): Funding For Regional And Tribal Council Meetings

HON. JOHN POLLARD:

Mr. Chairman, the previous questioning on this particular issue fell within my bailiwick. This one falls within the Premier's bailiwick, but I will answer the question on her behalf and say that as far as I know, the regional council in Baffin still exists. There was a motion in January of this year to disband that particular organization. I am not aware that it has been officially disbanded yet. I would agree that there would appear to still be a regional council in Baffin at the present time. Thank you.

MR. SPEAKER:

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

Question 93-12(7): Birthing Centre For Baffin

MR. PUDLAT:

(Translation) Thank you, Mr. Chairman. I am sorry, Mr. Speaker. Mr. Speaker, I would like to ask the Premier a question, but she isn't here, so perhaps the Minister of Finance can answer on her behalf. At our last session, in the fall, I brought up the issue on the Baffin Regional Health Board's request to have a birthing centre for our region. I would like to ask the acting Premier...There was a commitment by Cabinet to look into this issue. I would like to know what has been done to date. Has there been any work done with the Baffin Regional Health Board as to the process of putting a birthing centre into the region. Thank you, Mr. Speaker.

MR. SPEAKER:

Minister of Finance, Mr. Pollard.

Return To Question 93-12(7): Birthing Centre For Baffin

HON. JOHN POLLARD:

Thank you, Mr. Speaker. Mr. Speaker, Mr. Ningark asked the same question earlier this week. The answer is the same. We are awaiting the results of the assessment of the success of the Rankin birthing centre. As I said earlier this week, it is my personal opinion, from the information that I have received, unofficially, that it is successful. Once that assessment has been done and looked at by the Minister of Health, she is well aware that there are other communities and regions of the territories who wish the same kind of service. I am sure she will act upon those requests, once she has received that assessment. Thank you, Mr. Speaker.

MR. SPEAKER:

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

Question 94-12(7): Shortage Of Muskox Hides For Constituents

MRS. MARIE-JEWELL:

Thank you, Mr. Speaker. I have a question for the Minister of Renewable Resources. Mr. Speaker, a respected elder in our community is having a difficult time acquiring muskox hides. Mrs. Dube has worked with muskox and muskox hides for a number of years and has been very creative in making many things from muskox hides such as briefcases, soaps and other items. But, she is having a very difficult time in acquiring the hide. I would like to ask the Minister of Renewable Resources whether or not his department is able to assist or advise my constituent where she can acquire muskox hides.

MR. SPEAKER:

Minister of Renewable Resources, Mr. Arngna'naaq.

Return To Question 94-12(7): Shortage Of Muskox Hides For Constituents

HON. SILAS ARNGNA'NAAQ:

Thank you, Mr. Speaker. I understand that the Department of Renewable Resources assisted the particular individual the Member is talking about just

before Christmas and I'm sure the staff of the Department of Renewable Resources would be more than willing to help any who are trying to better the economy in the Northwest Territories. Thank you.

MR. SPEAKER:

Thank you. Mrs. Marie-Jewell.

Supplementary To Question 94-12(7): Shortage Of Muskox Hides For Constituents

MRS. MARIE-JEWELL:

Mr. Speaker, my supplementary to the Minister of Renewable Resources is the staff may have assisted the individual to acquire the hides, but the acquisition of hides was unsuccessful and that is why I'm asking the Minister if there are means, such as an outlet, for muskox hides to be made available to my constituent. Thank you.

MR. SPEAKER:

Mr. Arngna'naaq.

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Further Return To Question 94-12(7): Shortage Of Muskox Hides For Constituents

HON. SILAS ARNGNA'NAAQ:

Thank you, Mr. Speaker. I don't know that there is such a thing as an outlet where muskox hides can be found, but I will look into the matter and see what I can do. Thank you, Mr. Speaker.

MR. SPEAKER:

Thank you. Mrs. Marie-Jewell.

Supplementary To Question 94-12(7): Shortage Of Muskox Hides For Constituents

MRS. MARIE-JEWELL:

Thank you. Just for clarification, Mr. Speaker, may I ask the Minister if he has taken my question as notice? Thank you.

MR. SPEAKER:

Mr. Arngna'naaq.

Further Return To Question 94-12(7): Shortage Of Muskox Hides For Constituents

HON. SILAS ARNGNA'NAAQ:

Mr. Speaker, what I am saying is that I will take the question that the honourable Member is asking and make sure that the department staff are able to assist the honourable Member's constituent.

MR. SPEAKER:

Item 6, oral questions. Mr. Patterson.

Question 95-12(7): Student Funding For Participation In Matriculation Programs

MR. PATTERSON:

Thank you, Mr. Speaker. Mr. Speaker, more questions, I'm afraid, about student residences for the Minister of Education. Mr. Speaker, yesterday the Minister made a commitment in this House that, "While I wish to move the students back to their home communities, I will not do it at the risk of programs..." and we had been talking about advanced matriculation programs. I would like to ask the Minister, does this mean that if in this coming school year there are still not matriculation school programs in 11 out of 13 Baffin communities, as is the case now, that students from those 11 communities who wish to take advanced or matriculation programs will be funded to attend school in communities where those program are available? Thank you.

MR. SPEAKER:

Minister of Education, Mr. Nerysoo.

Return To Question 95-12(7): Student Funding For Participation In Matriculation Programs

HON. RICHARD NERYSOO:

Thank you, Mr. Speaker. I am leaving it to the recommendation of the report and discussions with the board to address that particular matter.

MR. SPEAKER:

Thank you. Mr. Patterson.

Supplementary To Question 95-12(7): Student Funding For Participation In Matriculation Programs

MR. PATTERSON:

So, is the Minister saying now that it will be decided by a consultant's report and backing down on his commitment yesterday which was, "While I wish to

move the students back to their home communities, I will not do it at the risk of programs." I thought that was a commitment from the Minister, Mr. Speaker. Does that commitment still hold today?

MR. SPEAKER:

Mr. Nerysoo.

Further Return To Question 95-12(7): Student Funding For Participation In Matriculation Programs

HON. RICHARD NERYSOO:

Thank you, Mr. Speaker. Mr. Speaker, I was under the impression that Members of this Assembly supported the expansion of high school programs in the communities, which included the whole issue of advanced education. That was the impression I was receiving. Now, if the honourable Member is saying we should not develop those programs in the communities as per the discussions my staff held with the board and the advice given by the board then, obviously, community high school programming would be in jeopardy.

I made this point yesterday. The honourable Member points out only that the report will affect the decision and, in fact, I said clearly that if the honourable Member was consulted, as other Members were, to give advice, then part of the recommendations coming from the report would be based on the advice given by the honourable Member. In the end, the fact is that programs in communities for students are of importance and will be given high consideration and priority. As Minister, I'm not prepared to sacrifice the quality of education for our students. If the case is that some of the residences have to remain open, then that will be part of the recommendations. But, I think time will tell that and we have until March 31st for the report to be returned, with its recommendations, at which time I will review all of the issues. And, Mr. Speaker, we are requesting meetings with the divisional boards to discuss this particular issue and the draft formula.

MR. SPEAKER:

Supplementary, Mr. Patterson.

Supplementary To Question 95-12(7): Student Funding For Participation In Matriculation Programs

MR. PATTERSON:

Mr. Speaker, I would like to make it clear that I'm all for community high school programs, but I think a high school program in a community is not a high school program if it doesn't include the matriculation or advanced diploma option. Mr. Speaker, I know that the Minister has assured us repeatedly that all options are open and no decisions have been made to close regional residences, although I think we've been given some indications to the contrary: like the 2010 strategy; like the terms of reference of the consultant's report; and, like the proposed new draft funding formula. But, I would like to ask the Minister, if he ends up making a decision to close the regional residences down, what would happen to students who are now in those residences who are, say, in grade 10 and who are doing well? Would those students be grandfathered and allowed to complete the course of their high school education? Thank you.

MR. SPEAKER:

Mr. Nerysoo.

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Further Return To Question 95-12(7): Student Funding For Participation In Matriculation Programs

HON. RICHARD NERYSOO:

Thank you, Mr. Speaker. I'm not at the point yet where I can make that definitive decision here in this Assembly and I'm not prepared to do it until the report is returned to this Assembly. I think it would be premature of me to make any decisions until the report and advice from the regions have been received. I'm not prepared to say yes or no to grandfathering any program until I know what the recommendations are from the regions.

MR. SPEAKER:

Thank you. Final supplementary, Mr. Patterson.

Supplementary To Question 95-12(7): Student Funding For Participation In Matriculation Programs

MR. PATTERSON:

So, Mr. Speaker, given that the Minister is not prepared to make any decision now, is it correct then that the proposed draft funding formula, which caused great alarm when it was circulated to the divisional boards in December because it appeared to drastically reduce the funding for residences, is merely a draft and has not been finalized and may be

substantially changed as a result of the recommendations of the report, debate in this Assembly and discussions with the Minister? Is that the status of the formula today? Thank you, Mr. Speaker.

MR. SPEAKER:

Mr. Nerysoo.

Further Return To Question 95-12(7): Student Funding For Participation In Matriculation Programs

HON. RICHARD NERYSOO:

Thank you, Mr. Speaker. Mr. Speaker, for the last two or three days, I've been trying to advise the honourable Member that is in fact the case. The honourable Member raised the concern yesterday about the certainty of funding, and the problem with uncertainty of funding is it causes the kinds of discussions that are going on in this House. Part of the formula discussions is that we wanted to create some discussion issue about certainty of funding. What requires further discussion is what happens in future to the residences, what happens to the residential program? I have not made any final determination as to whether or not those programs will, in fact, be disbanded.

The comments the honourable Member has made to me for the last couple of days are integral in concluding any final decisions. They're very important. We can't make a decision on closing matriculation programs if they're not being offered in the community high schools. As such, those have to be considered, and they're an invaluable part of the decision. I'm not going to make a decision in the absence of knowing that I'm not going to offer programs and services to the community.

Secondly, the boards are the responsible agent for deciding the programs that are to be offered to the high school students in the communities. They have to be involved.

MR. SPEAKER:

Thank you. Item 6, oral questions. Ms. Mike.

Question 96-12(7): Reallocation Of Funding To Community High Schools

MS. MIKE:

Thank you, Mr. Speaker. My question is to the Minister of Education, Culture and Employment, regarding the residential schools. Yesterday, during question period, Mr. Nerysoo pointed out that the Ukiivik Hall which is located in Iqaluit in Baffin is costing this government \$1.644 million. My question to the Minister is this: since the funding formula has been cut to divisional boards already, are there any plans or intentions of this government to reallocate these dollars to the communities to implement high school diploma certification -- most of the communities right now have only certification, not diploma -- to upgrade the programming in high schools in communities should the Ukiivik close down? Thank you.

MR. SPEAKER:

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

Return To Question 96-12(7): Reallocation Of Funding To Community High Schools

HON. RICHARD NERYSOO:

Thank you, Mr. Speaker. Just to indicate to the honourable Member, part of the discussions that we're holding on this whole issue of reducing residential services does include the question or the matter of redistributing the dollars into programs and services for students. That is part of the discussion that we want to consider.

We are not at a point yet where I can say one way or the other which programs would be considered for additional resources, because I need the report that is now being conducted, I need discussions with the board to take place, I need the advice, the constructive suggestions and the comments that have been made. I may disagree with some of the way in which it's being presented, but I think the issues that are being raised are important ones and, as such, need...(inaudible)...of the reinvestment of these dollars in education.

MR. SPEAKER:

Thank you. Item 6, oral questions.

Supplementary To Question 96-12(7): Reallocation Of Funding To Community High Schools

MS. MIKE:

Supplementary, Mr. Speaker. Thank you. He also indicated the differences between Kivalliq and also Grollier Hall with 53 students. I don't think this is fair because in the Inuvik region you have road systems, whereas we have 13 communities in Baffin and the Baffin region is a very large region. For the information of this House, Baffin is the fifth largest island in the world which could be the reason why the cost in operating this high school residence is high. Mr. Speaker, I am concerned if this does in fact close down, a lot of the communities in Baffin will not have a high school program that will give the students a diploma because most of the communities are not diploma programs, they are high school certificate programs. I just want some assurance from the Minister, will he make sure he considers all aspects of other alternatives, including reallocating the dollars should Ukiivik residence close down? Thank you.

MR. SPEAKER:

Mr. Nerysoo.

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Further Return To Question 96-12(7): Reallocation Of Funding To Community High Schools

HON. RICHARD NERYSOO:

Thank you, Mr. Speaker. Yes.

MR. SPEAKER:

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

Question 97-12(7): Capital From MIC For Construction Of Houses

MR. LEWIS:

Thank you, Mr. Speaker. In the last Assembly, Mr. Speaker, we had a Special Committee on the Northern Economy. I would like to point out that the current federal Minister of Finance, when he visited the city while we were doing that debate, read the report of our committee and said it was one of the best analyses of economic problems and one of the best proposals for solutions that he had ever read, which is great praise coming from such an individual. One of the problems that we identified was capital. There have been some proposals by Ministers to raise capital. I would like to ask Mr. Todd, the Minister who indicated he would like to develop a Mortgage Investment Corporation, whether in fact negotiations are still taking place to attract capital into

the Northwest Territories in the form of mortgages so that we can build houses.

MR. SPEAKER:

Minister of Economic Development and Tourism, Mr. Todd.

Return To Question 97-12(7): Capital From MIC For Construction Of Houses

HON. JOHN TODD:

Thank you, Mr. Speaker. Yes, the second phase of the strategic plan to determine whether a Mortgage Investment Corporation would be feasible and viable in the Northwest Territories is under way at this time. Thank you.

MR. SPEAKER:

Thank you. Supplementary, Mr. Lewis.

Supplementary To Question 97-12(7): Capital From MIC For Construction Of Houses

MR. LEWIS:

Thank you, Mr. Speaker. I would like to ask the Minister, how much money have we spent to date on this work that is being undertaken by some very excellent consultants? Thank you.

MR. SPEAKER:

Mr. Todd.

Further Return To Question 97-12(7): Capital From MIC For Construction Of Houses

HON. JOHN TODD:

I believe when they initially made their first presentation, in terms of what they thought the overall costs would be to do the work necessary to put a Mortgage Investment Corporation in place, they were somewhere around \$700,000 or \$800,000. I stand to be corrected, but I think it was somewhere in that area.

To date, I believe, we've expended or are expending at this time close to \$250,000. Thank you.

MR. SPEAKER:

Thank you. Mr. Lewis, supplementary.

Supplementary To Question 97-12(7): Capital From MIC For Construction Of Houses

MR. LEWIS:

Thank you, Mr. Speaker. I would like to ask the Minister, by what date does he expect this work to be completed?

MR. SPEAKER:

Mr. Todd.

Further Return To Question 97-12(7): Capital From MIC For Construction Of Houses

HON. JOHN TODD:

Thank you, Mr. Speaker. At this phase of the plan, it should be complete by March 31, 1995. Thank you.

MR. SPEAKER:

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

Question 98-12(7): Background Information For Ambassador Of Circumpolar Affairs

MR. PATTERSON:

Thank you, Mr. Speaker. Mr. Speaker, I would like to ask a question to the Minister of Intergovernmental and Aboriginal Affairs. I was pleased that the Minister made it possible for us to meet privately with Mary Simon, the new first ambassador for circumpolar affairs, and learn of her efforts to promote the establishment of an Arctic council and to include the experience of the Northwest Territories in the Canadian component of the Arctic council.

At that meeting, I suggested it would be useful to Ms. Simon if she could receive, from this government, some kind of a chronicling of the efforts that have been made in circumpolar contacts, economic cultural intergovernmental relations over the years, dating back from the time of Commissioner Hodgson. I would like to ask the Minister of Intergovernmental and Aboriginal Affairs, is he prepared to ensure that this interesting information is gathered and provided to the ambassador for circumpolar affairs, Ms. Simon, in future. Thank you.

MR. SPEAKER:

Minister of Intergovernmental and Aboriginal Affairs, Mr. Kakfwi.

Return To Question 98-12(7): Background Information For Ambassador Of Circumpolar Affairs

HON. STEPHEN KAKFWI:

Mr. Speaker, if the ambassador for circumpolar affairs requests a compilation of all the information we have on file on the different activities and initiatives that we have undertaken over the last decade or so, we would be prepared to assist her and provide that in some organized package. So, yes, if a request is made by the ambassador and we come to an agreement on it, we shall be very, very happy to provide her with that file. Thank you.

MR. SPEAKER:

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

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Question 99-12(7): Report On Fire Management And Fire Suppression

MRS. MARIE-JEWELL:

Thank you, Mr. Speaker. Mr. Speaker, my question is to the Minister of Renewable Resources. Some time ago, the Department of Renewable Resources commissioned a consultant to develop a report for fire management and fire suppression. This report, I am quite sure, cost his department in excess of \$200,000 to develop. Would the Minister be willing to provide to me a copy of the report, which Peat Marwick formulated? Thank you.

MR. SPEAKER:

Minister of Renewable Resources, Mr. Arngna'naaq.

Return To Question 99-12(7): Report On Fire Management And Fire Suppression

HON. SILAS ARNGNA'NAAQ:

Thank you, Mr. Speaker. I do have a copy of the report. I also provided a copy of the same report to the Standing Committee on Finance, so there are a couple of places that the Member is able to find it if she may be looking for it. Either from the Standing Committee on Finance...I don't have one in my office at this particular time, but I would be willing to provide a copy.

MR. SPEAKER:

Thank you. Mrs. Marie-Jewell.

Supplementary To Question 99-12(7): Report On Fire Management And Fire Suppression

MRS. MARIE-JEWELL:

Thank you, Mr. Speaker. First of all, I am not a Member of the Standing Committee on Finance, so I am not privileged to their reports.

Mr. Speaker, would the Minister of Renewable Resources also advise the House of the cost of the report which was completed by Peat Marwick? Thank you.

MR. SPEAKER:

Mr. Arngna'naaq.

Further Return To Question 99-12(7): Report On Fire Management And Fire Suppression

HON. SILAS ARNGNA'NAAQ:

Yes, Mr. Speaker.

MR. SPEAKER:

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

Question 100-12(7): Status Of Revisions To Education Act

MR. PATTERSON:

Thank you, Mr. Speaker. Mr. Speaker, my question is to the Minister of Education, Culture and Employment; not about student residences. Mr. Speaker, I would like to ask the Minister what is the status of the long-awaited revisions to the Education Act? Thank you.

MR. SPEAKER:

Minister responsible for Education, Culture and Employment, Mr. Nerysoo.

Return To Question 100-12(7): Status Of Revisions To Education Act

HON. RICHARD NERYSOO:

Thank you, Mr. Speaker. The document itself, the draft consultation document, is before the Standing Committee on Legislation and I believe they'll be reporting on it. As a result of their advice, there may be some additional drafting requirements on our part

and we need the advice of the Standing Committee on Legislation on those issues.

MR. SPEAKER:

Thank you. Mr. Patterson, supplementary.

Supplementary To Question 100-12(7): Status Of Revisions To Education Act

MR. PATTERSON:

Thank you, Mr. Speaker. Mr. Speaker, I certainly wouldn't want to prejudge the important advice of the Standing Committee on Legislation, nor would the Minister, I know, but I would like to ask the Minister if the standing committee should advise that it is a priority to update the long-awaited modernization of the Education Act, would the Minister and his officials be prepared to take the necessary action to move this legislation forward to this House during the life of this government? Thank you.

MR. SPEAKER:

Mr. Nerysoo.

Further Return To Question 100-12(7): Status Of Revisions To Education Act

HON. RICHARD NERYSOO:

Thank you, Mr. Speaker. I am not trying to prejudge the Standing Committee on Legislation, but depending upon the advice given, our intention is to try to move the legislation into this Assembly as quickly as possible.

MR. SPEAKER:

Thank you. Mr. Patterson, supplementary.

Supplementary To Question 100-12(7): Status Of Revisions To Education Act

MR. PATTERSON:

Mr. Speaker, putting aside the Band-Aid amendments that have been put in place over the recent years to the Education Act, I would like to ask the Minister how long has it been since the Education Act has been substantially revised in the Northwest Territories? Thank you.

MR. SPEAKER:

Mr. Nerysoo.

Further Return To Question 100-12(7): Status Of Revisions To Education Act

HON. RICHARD NERYSOO:

Thank you. The largest substantive changes that have been made to the Education Act occurred in 1977.

MR. SPEAKER:

Thank you. Mr. Patterson, final supplementary.

Supplementary To Question 100-12(7): Status Of Revisions To Education Act

MR. PATTERSON:

Thank you, Mr. Speaker. Mr. Speaker, my final supplementary is in 1977, there was no Charter of Rights and Freedoms, if my memory serves me

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correctly. I would like to ask the Minister has the Education Act, since 1977, been reviewed as to whether or not parts of it offend the Charter of Rights and Freedoms; with respect to student rights and freedoms, for example? And have those amendments been put into the present Education Act? Thank you.

MR. SPEAKER:

Mr. Nerysoo.

Further Return To Question 100-12(7): Status Of Revisions To Education Act

HON. RICHARD NERYSOO:

Thank you, Mr. Speaker. I can advise the honourable Member that the whole matter of the Charter and other changes...In fact, some court decisions that have been made that do affect the other pieces of legislation regarding education, generally, across the country, have been considered and in fact are part of the discussion document that is now before the Standing Committee on Legislation. It has been considered and will be reflected accordingly in any new legislation that is proposed by this government.

MR. SPEAKER:

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

Question 101-12(7): Employees' Investment In Canada Savings Bonds

MR. LEWIS:

Thank you, Mr. Speaker. I would like to ask the Minister of Finance whether he is aware that a large number of government employees, through their deductions, invest in Canada bonds?

MR. SPEAKER:

Minister of Finance, Mr. Pollard.

Return To Question 101-12(7): Employees' Investment In Canada Savings Bonds

HON. JOHN POLLARD:

Thank you, Mr. Speaker. Yes, Mr. Speaker, not only ourselves, but other large companies as well, have a plan for employees to participate in that particular program. Thank you.

MR. SPEAKER:

Mr. Lewis, supplementary.

Supplementary To Question 101-12(7): Employees' Investment In Canada Savings Bonds

MR. LEWIS:

I think most of us are very uneasy when governments try to borrow more money than they can ever afford to pay back. Some times you have to do that, especially if you can plan your borrowing so that you know you can return it. I would like to ask the Minister does this government have the authority, in fact, to issue government bonds like all the provinces do?

MR. SPEAKER:

Mr. Pollard.

HON. JOHN POLLARD:

Mr. Speaker, we have done something of that nature. I believe Mr. Ballantyne was successful in doing something of that nature for the purchase of the Power Corporation. So I would think that we have the power to do that, but just to be sure, I will take the question as notice and report back to the House. Thank you.

MR. SPEAKER:

Thank you, Mr. Pollard. Item 6, oral question, Mr. Patterson.

Question 102-12(7): Naming Of Arctic College In Nunavut

MR. PATTERSON:

Thank you, Mr. Speaker. My question is to the Minister of Education, Culture and Employment. Mr. Speaker, around the time that the Arctic College Act was passed and revised, I believe the Minister knows that the Nunavut Caucus met and considered an appropriate name for the new college for Nunavut. That recommendation was given to the Minister and endorsed unanimously by Members of the Nunavut Caucus. The other day when I phoned the headquarters of the new Arctic College, I was dismayed to hear the phone answered by a very polite young woman who said: "Arctic College east."

Mr. Speaker, I find this an inappropriate and even ignominious appellation. It being Friday, I would like to ask the Minister how long are we going to be suffering with such an unpleasant title as Arctic College east? When will he name the new Nunavut Arctic College properly? Thank you.

MR. SPEAKER:

Minister of Education, Mr. Nerysoo.

Return To Question 102-12(7): Naming Of Arctic College In Nunavut

HON. RICHARD NERYSOO:

Thank you, Mr. Speaker. I would just like to advise the honourable Member that the recommendations for names have been submitted for Cabinet consideration and will be brought forward to the Assembly for discussion and support.

MR. SPEAKER:

Thank you. Supplementary, Mr. Patterson.

Supplementary To Question 102-12(7): Naming Of Arctic College In Nunavut

MR. PATTERSON:

Thank you. My supplementary: When? Thank you.

MR. SPEAKER:

Mr. Nerysoo.

Further Return To Question 102-12(7): Naming Of Arctic College In Nunavut

HON. RICHARD NERYSOO:

Well, Mr. Speaker, I understand the urgency that is suggested by the honourable Member, but the issue has been submitted to Cabinet and, hopefully, it will be on the next agenda. The letters have been submitted and the recommendations have been made.

MR. SPEAKER:

Thank you. Mr. Patterson.

Supplementary To Question 102-12(7): Naming Of Arctic College In Nunavut

MR. PATTERSON:

Thank you, Mr. Speaker. I would like to ask the Minister would the Nunavut Caucus be pleased with the recommendations the Minister has made? Thank you.

MR. SPEAKER:

Mr. Nerysoo.

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Further Return To Question 102-12(7): Naming Of Arctic College In Nunavut

HON. RICHARD NERYSOO:

All I can say, Mr. Speaker, is that the people of Nunavut will be pleased with the recommendations.

MR. SPEAKER:

Thank you. I believe oral question period is now over. Item 7, written questions. Mr. Patterson.

ITEM 7: WRITTEN QUESTIONS

Written Question 6-12(7): Notice Of Development Of High School Program And Reduction Of Services

MR. PATTERSON:

Mr. Speaker, my written question is to the Minister of Education, Culture and Employment. On February 15, 1995, the Minister stated in this Assembly that the boards of education were advised approximately 18 to 20 months ago that community high school programs

would be developed and certain services would be reduced in the regions.

Could the Minister provide the copies of documents giving this notice to the boards of education 18 to 20 months ago? Thank you.

MR. SPEAKER:

Item 7, written questions. Item 8, returns to written questions. Item 9, replies to opening address. Item 10, petitions. Item 11, reports of standing and special committees. Mr. Whitford.

ITEM 11: REPORTS OF STANDING AND SPECIAL COMMITTEES

Committee Report 3-12(7): Report On The Review Of The Legislative Action Paper Proposing New Heritage Legislation For The Northwest Territories

MR. WHITFORD:

Thank you, Mr. Speaker.

Overview

On April 6, 1994, the Minister of Education, Culture and Employment tabled Document 4-12(6), A Legislative Action Paper Proposing New Heritage Legislation for the Northwest Territories. A motion was subsequently passed to refer the action paper to the Standing Committee on Legislation for review.

The action paper outlines the proposed principles on which new heritage legislation will be developed to replace the existing Historical Resources Act and provide more adequate protection for the heritage resources of the Northwest Territories. The action paper proposed a legislative framework that will subject a wider range of significant heritage resources to protection and control while ensuring public participation in the designation and management of these resources. The rights and obligations of property owners and developers will also be included, as will the severe penalties for contraventions of the act.

Current legislation is lacking in many of these important areas and the government feels that time is of the essence if the heritage resources in the Northwest Territories are to be preserved for future generations.

The Review Process

Public hearings on the paper were held on Thursday, December 15, 1994 in Yellowknife. The Minister of Justice introduced the paper on behalf of the Minister of Education, Culture and Employment and then the committee heard presentations from witnesses. The committee also received written responses from two organizations with extensive interests in the heritage field. After discussing the views and the concerns presented, the committee prepared its report.

Issues And Concerns

A number of issues were identified, based on the comments and concerns expressed by witnesses and committee Members during the public review of the legislative action paper, and are presented in this report. The main issues that form the subject matter of the report include questions of jurisdiction, the ownership and display of heritage resources and the consultation process, particularly with respect to land settlement groups and land claimants.

Overall, the committee felt that the action paper represented a strong beginning toward addressing the need for new heritage legislation, and looks forward to progress on this important initiative. Mr. Speaker, that concludes the report of the Standing Committee on Legislation.

Motion To Receive Committee Report 3-12(7) And Move To Committee Of The Whole, Carried

I move, seconded by the honourable Member for Natilikmiot, that the report of the Standing Committee on Legislation on its review of the legislative action paper proposing new heritage legislation for the Northwest Territories be received by the Assembly and moved into committee of the whole. Thank you, Mr. Speaker.

MR. SPEAKER:

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

AN HON. MEMBER:

Question.

MR. SPEAKER:

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

---Carried

Thank you, Mr. Whitford. Item 12, reports of committees on the review of bills. Mr. Whitford.

ITEM 12: REPORTS OF COMMITTEES ON THE REVIEW OF BILLS

Report On Bill 12

MR. WHITFORD:

Thank you, Mr. Speaker. Mr. Speaker, I rise under this item to advise the House that on Wednesday, February 15, 1995, I reported on bills that had been reviewed by the Standing Committee on Legislation. In my report, Mr. Speaker, I indicated that Bill 12, An Act to Amend the

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Judicature Act, No. 2, was reviewed and ready for consideration in committee of the whole. Mr. Speaker, the information I provided was incorrect as Bill 12 had been amended at the standing committee stage.

Therefore, Mr. Speaker, I would like to correct the record by indicating that Bill 12, An Act to Amend the Judicature Act, No. 2, is now ready for committee of the whole, as amended and reprinted. Thank you, Mr. Speaker.

MR. SPEAKER:

Thank you, Mr. Whitford. Your comments are noted and I order that Bill 12 remain in committee of the whole as amended and reprinted. Do I have the House's concurrence?

SOME HON. MEMBERS:

Agreed.

---Agreed

MR. SPEAKER:

Thank you. Item 13, tabling of documents. Mr. Kakfwi.

ITEM 13: TABLING OF DOCUMENTS

HON. STEPHEN KAKFWI:

Mr. Speaker, I wish to table Tabled Document 18-12(7), Provincial/Territorial Proposal on Firearms. Thank you.

MR. SPEAKER:

Thank you. Are there any further tabling of documents? Mr. Pudluk.

MR. PUDLUK:

Thank you, Mr. Speaker. At this time, I would like to table a document. Tabled Document 19-12(7) is written by the hamlet of Grise Fiord requesting a change in section 18(2)(c) to allow the employees of a hamlet to run for a candidate for a municipality or a hamlet with a population of fewer than 500. Thank you.

MR. SPEAKER:

Thank you, Mr. Pudluk, and good morning to you. Tabling of documents. Item 14, notices of motion. Mr. Lewis.

ITEM 14: NOTICES OF MOTION

Motion 8-12(7): Permanent Display Of A Y Jackson Collection

MR. LEWIS:

Mr. Speaker, I give notice that on Monday, February 20th I will move the following motion:

I move, seconded by the honourable Member for Yellowknife South, that this Legislative Assembly request to the Premier and Executive Council that immediate arrangements be made to transfer, on permanent loan, the entire government's collection of A Y Jackson paintings and sketches for permanent display in the Legislative Assembly building.

MR. SPEAKER:

Thank you. Item 14, notices of motion. Item 15, notices of motions for first reading of bills. Mr. Pollard.

ITEM 15: NOTICES OF MOTIONS FOR FIRST READING OF BILLS

Bill 1: Appropriation Act, No. 2, 1995-96

HON. JOHN POLLARD:

Thank you, Mr. Speaker. Mr. Speaker, I give notice that on Monday, February 20, 1995, I shall move that Bill 1, Appropriation Act, No. 2, 1995-96, be read for the first time. Thank you, Mr. Speaker.

MR. SPEAKER:

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

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

CHAIRMAN (Mr. Lewis):

I will call the committee to order. We're on item 19. What would the committee like to do today? Mr. Dent.

MR. DENT:

Thank you, Mr. Chairman. I would like to recommend that committee consider, in the following order: Bill 15, Bill 11 and then Bill 10.

CHAIRMAN (Mr. Lewis):

Does everybody agree on that order?

SOME HON. MEMBERS:

Agreed.

---Agreed

CHAIRMAN (Mr. Lewis):

It being 11:55, I would like to call a short break.

---SHORT RECESS

Bill 15: An Act To Amend The Elections Act

CHAIRMAN (Mr. Lewis):

I would like to call the committee to order. We're in committee of the whole and we're on Bill 15, as was agreed to before the break. I would like to ask Mr. Pollard, who is sponsoring this bill, if he has any introductory comments.

Minister's Introductory Remarks

HON. JOHN POLLARD:

Thank you, Mr. Chairman. Mr. Chairman, today I am appearing before committee of the whole to provide comments on Bill 15 which amends the act that administers elections of Members to the Legislative Assembly. Mr. Chairman, this bill is one of those bills that is not the sole responsibility of the government to sponsor. Amendments to the Elections Act fall under the responsibility of the whole of the Legislative Assembly.

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The amendments proposed in this bill were recommendations for changes to the Elections Act made to the Legislative Assembly by the chief electoral officer after the 1991 general election. These recommendations were based on observations by the 24 returning officers, the NWT elections office in Yellowknife and the chief electoral officer's staff in Ottawa. The report of the chief electoral officer contained 10 recommendations in the following areas:

1. date of election;
2. enumeration;
3. voting by mail-in ballot;
4. inmate voting;
5. advance polls;
6. advance poll registration;
7. revisions of the list of electors;
8. election officials;
9. election financing; and,
10. control of elections.

Mr. Chairman, I would like to indicate the process that was followed after the receipt of the chief electoral officer's report. The recommendations were reviewed in detail by the Management and Services Board, who provided direction for the preparation of a report to Caucus which contained recommendations for changes to the act. As Members will recall, the report was presented to Caucus by the Speaker on August 19, 1994, and was agreed to with the exception of the recommendation on the implementation of a special

ballot system. The results of the Caucus direction are contained in the bill before you today.

Mr. Chairman, Bill 15 contains a number of major amendments to the Elections Act and a number of consequential amendments that are required to support the major amendments. There are also a number of technical amendments relating to advance polls, election officials and the reporting of campaign financing. Mr. Chairman, as indicated, the significant amendments contained in this bill relate firstly to allowing the chief electoral officer to set the period of enumeration which could be carried out prior to the issuing of the writ of election. Secondly, Mr. Chairman, one that the Honourable Sam Gargan has raised on a number of occasions and that was also a recommendation of the chief electoral officer, relates to the permitting of inmates serving sentences of less than two years to vote in an election.

Mr. Chairman, that concludes my introductory remarks to Bill 15 and I would like to seek the assistance of witnesses in order that I can answer any questions that you may have. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Lewis):

Okay, thank you, Mr. Pollard. At the appropriate time, we will invite witnesses. The Standing Committee on Legislation has reviewed this bill. Do you have any comments, Mr. Whitford?

Standing Committee On Legislation Comments

MR. WHITFORD:

Thank you, Mr. Chairman. Mr. Chairman, first I would like to correct an erroneous report that was on CBC that I was the chairman of the Standing Committee on Legislation. I am not. At least, not yet.

---Laughter

I am merely a Member of the committee and I am just a messenger, so don't kill the messenger. I am just doing the committee's bidding.

Mr. Chairman, the standing committee is pleased to report that it has completed its review of Bill 15, An Act to Amend the Elections Act.

The committee held public meetings on this bill in Yellowknife on Monday, December 12, 1994. Bill 15 amends the Elections Act in a number of ways, primarily in response to the 1991 report of the chief

electoral officer, hereafter called CEO, following the last territorial general election.

Proposed amendments to the act include:

- Allowing the chief electoral officer to set the period for enumeration of electors;
- Allowing inmates serving less than two years the right to vote;
- Improving enumeration procedures and the process for revision of the preliminary list of electors;
- Reducing advance polls from two days to one day, and refining the procedures for voting in advance polls;
- Improving the procedures governing election contributions and expenses;
- Changing the qualifications of certain election officials; and,
- Updating the regulations to provide for inmate voting procedures.

During the hearings, the committee did not hear from any members of the public regarding the provisions of this bill. However, discussions and deliberations among committee Members centred on two aspects of the proposed amendments.

Perhaps the most notable amendment in Bill 15 deals with the issue of the right of inmates to vote. The section describing the persons not qualified to vote would be amended to allow any person who is serving a sentence of less than two years in a correctional institution to vote in a general election. A related amendment provides for voting in correctional institutions to be held on advance polling day. This will permit the transmitting of ballots to the returning officers in the various electoral districts in advance of the polling day.

The background of this issue and the debate that has surrounded it, in Canada and the NWT, is well-known to Members of the Assembly in the wake of recent court rulings and constitutional challenges. The Supreme Court of Canada ruled in May of 1993 that provisions similar to those found in the NWT legislation preventing inmates from voting were clearly unconstitutional.

The first issue that Members of the committee were concerned with was the ability, under these amendments, of an inmate to run for office, or for a sitting Member of the Assembly to retain his or her seat after being sentenced to jail. It should be noted that there are no proposed consequential amendments to the Legislative Assembly and Executive Council Act, at the present time, to change the qualifications for sitting Members of the Legislative Assembly. Presently, if a person is a qualified elector, he or she can be a Member of the Assembly, notwithstanding, of course, the internal rules, procedures and sanctions the Assembly imposes upon itself.

Therefore, the Standing Committee on Legislation recommends that the appropriate steps be taken to amend the Legislative Assembly and Executive Council Act to change the qualifications for persons running for office and for sitting Members.

The second issue of concern to Members of the committee was the decision to restrict the inmate voting provision to those inmates serving less than two years. It was pointed out that some inmates in the NWT are serving more than two years. The committee generally felt that, while two years seemed to be a reasonable period of time, there was some support for allowing all inmates in the NWT to vote. This led to a brief discussion -- heated discussion -- of candidates' access to inmates for campaign purposes. Presently, incumbents are at an advantage in securing access to inmates. It may be necessary therefore, to modify current procedures to allow equal access to inmates by all candidates during an election.

Mr. Chairman, that concludes the report of the Standing Committee on Legislation on Bill 15. On December 12, 1994, the committee passed a motion that Bill 15, An Act to Amend the Elections Act, be reported to the Assembly as ready for consideration in committee of the whole. That concludes the report, Mr. Chairman.

CHAIRMAN (Mr. Lewis):

Thank you, Mr. Whitford. Mr. Pollard asked, before I recognized the Standing Committee on Legislation, if he could bring witnesses into the House. How do Members feel about that? Are there any objections? Sergeant-at-Arms, will you show the person where they have to go?

Mr. Pollard, would you introduce your witnesses, please.

HON. JOHN POLLARD:

Thank you, Mr. Chairman. Mr. Chairman, I have with me Mr. Mark Aitken on my right, legislative counsel; and, Mr. David Hamilton, Clerk of the Legislative Assembly of the Northwest Territories. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Lewis):

Thank you, Mr. Pollard. General comments from Members on this bill. Mr. Ballantyne.

General Comments

MR. BALLANTYNE:

Thank you, Mr. Chairman. This bill has seen quite a bit of discussion. We discussed it in the Management and Services Board and I, for one, support every aspect of the bill except for the one area where I, along with others, have had some real problems and that is the whole concept of inmates voting. I personally believe, as a principle, that once you have been convicted of breaking the law and you are in an institution, you have lost that right or you should lose that right. I think that's a very important fundamental part of society that has been lost. Even when I heard the acting chairman talk about the need for procedures to allow dozens of candidates to woo inmates in various institutions really gives a strange symbolic signal to the public. Are we going to allow candidates signs in the cell block or in the exercise yard? I can just see it: "Vote Joe Blow," "Inmates for Joe." I have some very serious problems with that.

One of the original concepts was that all inmates could vote and I want to put on the record that if that had been brought forward, I would have not only spoken against this bill, I would have voted against this bill. We've been told, one more time, by our legal experts, that the Charter of Rights will dictate what this freely-elected Assembly must do. We have no choice, as accountable politicians, to make any other decision but to allow these inmates to vote. It is another sign where elected officials of this country really cannot make a lot of fundamental decisions and I think it's a real shame.

So, I want to say that I'm absolutely, unequivocally against the principle of inmates voting but, because of the reality that we face -- if we don't pass this law with this clause in it, the elections can be open to legal

challenge -- with a lot of reluctance and because I have no option, I will support this bill. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Lewis):

Thank you, Mr. Ballantyne. Do any other Members have general comments on Bill 15? Mr. Whitford.

MR. WHITFORD:

Thank you, Mr. Chairman. In general, the amendments are worthy of passing. However, I must add my comments to Mr. Ballantyne's. Although I am a Member of the Standing Committee on Legislation, I spoke against the notion that those who are convicted and jailed be eligible to vote. I sought counsel on this, I just didn't want to have only my own opinion expressed, but I have yet to receive anybody's support in allowing inmates to vote. I haven't heard people say that it is a given right, once people are incarcerated for crimes they have committed and are duly sentenced, that they be allowed the privilege of casting a vote.

I, too, questioned the methodology of how this was going to come about. I live right across the street from the centre, I suppose I would have an advantage here because I put a big sign up on my balcony and it would be seen by all the inmates there. But I tell you, a person who is looking for votes to win an election and having to depend on inmates, I think, is going to have a bit of a problem anyway.

I don't know how this would be worked out. I know that it certainly will be challenged, but I would be willing to allow it to be challenged first before we go ahead and pass it into law without putting up a fight. I think if somebody wants to challenge it through the courts, then they should have that right and then we'll see what happens to it. But I certainly wanted to go on record saying that I am not one who was in favour of a general amnesty to voting by inmates who have been duly convicted and duly sentenced. There are no sanctions any more at all, or there is no -- well, I wouldn't use the word "stigma." But, now when you go to jail you get everything. It's just like being on

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the street. You get education, you get your teeth fixed, you get three squares a day, you get room and board and you get money. You get more money than the people who sent you in there, sometimes. On top of that, now you will have an opportunity to vote,

maybe even to run in the next election. It does not send a message to young people or to people any more that there's any deterrence to committing an offence because there are no penalties for that.

One of the things that people have fought and died for was the right to vote, and now it turns out it doesn't really matter what you do, you have that right. I'll leave it at that, Mr. Chairman. I haven't got a motion prepared to get that stricken from the legislation, but I certainly would entertain something like that. Thank you.

CHAIRMAN (Mr. Lewis):

Thank you, Mr. Whitford. Mr. Patterson, next.

MR. PATTERSON:

Mr. Chairman, I'm going to join the chorus. I'm quite confident that my constituents believe that those who are incarcerated forfeit certain privileges in our society, including their freedom and including the right to vote. I'm shocked that the committee suggests that if the provisions of this bill are passed allowing some inmates to vote, in effect we'd be setting a precedent. As I understand the committee's report, we would be setting a precedent that would mean that a person could be elected to the Legislature while incarcerated. I believe that's what the committee has concluded. This is repugnant.

We've just recently adopted codes of conduct endorsing higher standards of conduct for our politicians and other leaders, and now it's proposed that this Legislature take action which would, in effect, put convicted, jailed inmates on the same status as any other person and allow them to run for office and that we should be making consequential amendments to allow that to happen.

Some of my constituents believe that people are not dealt with as harshly as they should be in our courts. I think there's a general view that people are not jailed when they should be jailed, or not jailed as long as they should be jailed, and now we're sending out a signal that inmates should have the same rights as ordinary citizens. Even Members of the Standing Committee on Legislation are expressing their outrage, and I note that the committee doesn't really say that they support the bill. They say that it's ready for consideration in committee of the whole.

I've always said, Mr. Chairman, that there's a Charter of Rights argument under every rock; behind every

tree, you can find one. The latest is, some lawyer has said that we shouldn't be allowed to teach religion in schools any more, even if communities want it and local education authorities want it. I'm told the new Education Act is going to have to change out of our blind obeisance to this Charter of Rights and Freedoms and the legal industry that supports it.

I guess what I'd like to say here, Mr. Chairman, sensing the mood in this committee, is what if we don't pass these amendments? What's going to happen? What are the consequences of not passing these amendments? I think I can guess. I think there might be a challenge mounted by somebody, probably paid for by legal aid. But I guess my attitude, Mr. Chairman, is why cower in fear of the Charter of Rights. Why should we assume the worst: that our legislation will be challenged and our Election Act will be overturned? I would rather do what we think is right, as Mr. Ballantyne says, exercise the responsibility given to us by our constituents to do what we think they would want us to do and let the consequences fall where they may. So I'll be asking the Minister what the consequences would be. I would also like to ask the Minister of Justice would the legal aid plan fund the challenge of an inmate? Because if the public purse is not going to fund a challenge of this kind, then there might be a better chance there wouldn't be such a challenge taken.

So I'm inclined to say no to this aspect of the bill. I want to say that other aspects of the bill are progressive and necessary and will improve the election procedures and will profit from the experience in the last territorial election. I think they should be passed expeditiously.

The other ones, we should defeat or defer. I can't, in good conscience, support these amendments. I'm quite confident that I'm speaking for the clear majority of my constituents. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Lewis):

Thanks, Mr. Patterson. Next is Mr. Dent.

MR. DENT:

Thank you, Mr. Chairman. To start, I would like to point out to Mr. Whitford that while he lives across the street from the Yellowknife Correctional Institute, it actually is in the constituency of Yellowknife Frame Lake...

SOME HON. MEMBERS:

Shame, shame.

MR. DENT:

...so I may be knocking on his door to hang a sign on his back balcony at the next election campaign.

Mr. Chairman, on a serious note, I, too, have been told by my constituents when I've discussed this issue with them that they find it quite inappropriate that people who have been convicted will now be given the right to vote, and they are offended. I think the views have been expressed by Mr. Ballantyne, Mr. Whitford and Mr. Patterson, so far. I would just like to agree that, by and large, people feel that criminals today are being treated far too leniently. And they see this as just another slap in the face to the law-abiding public. I, too, find it repugnant but, unlike Mr. Patterson, I have been convinced, because of the 1993 Supreme Court decision that Mr. Whitford talked about in his opening comments, that if we didn't make these changes, the legislation would clearly be found unconstitutional. I am also convinced that under our present system, a challenge would be funded by legal aid. I would find that even harder to take, that we would have to pay for the cost of such a challenge.

So, while holding my nose, I will have to vote in favour of this legislation, but I would like to put the government on notice that I expect to see very, very soon, the consequential amendments to the Legislative Assembly and Executive Council Act which would ensure that an inmate would not have the right to sit as a Member of this Legislature.

AN HON. MEMBER:

Agreed.

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MR. DENT:

I think without those changes, we are certainly not following up on our commitment to zero tolerance for violence and some of the other strong statements that this Legislature has made. So, Mr. Chairman, with that, I would like to ask the Minister to assure this House that these consequential changes or amendments to the Legislative Assembly and Executive Council Act will be forthcoming. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Lewis):

Okay, general comments, any other Members? Mr. Ningark.

MR. NINGARK:

Thank you, Mr. Chairman. Mr. Chairman, I agree with my colleague, Mr. Dent, who spoke eloquently about the zero tolerance of this government. Not too long ago, Mr. Chairman, we debated zero tolerance in this House. It was at that time that we unanimously supported zero tolerance in this particular jurisdiction. Some of the inmates, who may have spent two years or less than two years in a correctional centre, may have been those who have abused women, children and kids.

Mr. Chairman, if the Constitution of the country was not to allow the inmates to vote, then I would support it because of the constitutionality of the act. I don't know what I am going to do, I have mixed feelings about this. But I would not want the inmates to be allowed to vote. For one thing, there is the possibility if they are allowed to vote and they have a very, very strong...They may be able to run for the office of the Legislature and perhaps become elected. We know the rule of this House: If an MLA is charged, convicted, and spends a day in jail, then the MLA has to resign. So, Mr. Chairman, I am not sure what I am going to do in this case. I like the act itself, but the section that would allow the inmates to vote, that is what I am having problems with. Thank you.

CHAIRMAN (Mr. Lewis):

Okay, we are still on the general comments. Thank you, Mr. Ningark. Mr. Pudlat.

MR. PUDLAT:

(Translation) Thank you, Mr. Chairman. Regarding this bill, I don't really have an understanding about what types of offenses or what level of violence the offenses of the inmates being allowed to vote are, whether it be murder or whatever. I don't really know what types of offenses those inmates who are able to vote have committed. But I am also aware that my constituents would be against the idea of having inmates able to vote. And we, as an Assembly, fully supporting the idea of zero tolerance on violence, are sort of in a bind because we also have to think about the constitutional implications.

Now, if inmates are able to run for office, there is a possibility that we will have an overload of inmates running for office. If elected MLAs are convicted, they

have to step down. I am also in a bind as to what I should do on this issue. As my other colleagues, I am in full support of the other aspects of the bill. Because inmates have to give up some of their privileges, I think that it is a great privilege to vote in an election, especially for Members of the Legislative Assembly.

But as I said earlier, Mr. Chairman, I don't know what type of offenses would be considered when allowing inmates to vote in an election, whether they have been sentenced to two years or more. If I don't know all of these issues with the proposed changes, it is kind of hard to support this bill, especially if we fully support the zero tolerance on violence. But, I think I really have no choice but to support it because of the constitutional implications. I will leave it at that, Mr. Chairman. Thank you.

CHAIRMAN (Mr. Lewis):

Thank you, Mr. Pudlat. General comments? Three Members have raised questions. I think that they are expecting some kind of response. Mr. Patterson, Mr. Dent and Mr. Pudlat raised issues, and I wonder if the Minister would like to respond to all or any of those issues?

HON. JOHN POLLARD:

Thank you, Mr. Chairman. Mr. Chairman, with regard to Mr. Dent's specific questions with regard to if this bill passes today and the subsequent amendments to the Legislative Assembly and Executive Council Act, those amendments are being done right now just in case this bill does pass. And I would suggest to the House that they would not let me, nor would I propose, third reading of this bill until the Legislative Assembly and Executive Council Act was at third reading, as well. So I think that is the way that that would be handled, Mr. Chairman.

Mr. Chairman, with regard to Mr. Patterson's question on what the consequences would be, in all probability -- and I am not legal counsel, I am not a lawyer, and I am not an expert in this particular field, but from the experts who are sitting with me -- and we can't second guess what a court would do -- the challenge would occur before the election. The challenge would be that we are not allowing people to vote when it has been a decision of the Supreme Court to say that they can vote. You may recall that the federal government, when they changed their act, changed it to what we are doing right now or what we are

proposing, which is two years and you can vote, over two years and you can't vote.

The danger of a challenge before the election would be that the court may turn around and say all the prisoners in the Northwest Territories, regardless of how much time they are serving, can vote.

If the challenge was not until after the election, then I can't presuppose what a court would say. But we might say that an MLA had been elected and was MLA-elect in a particular constituency, let's just say there were only 10 or 15 votes in it, and let's just say that the opponents knew that there were that many people who were incarcerated for less than two years, regardless of whether it was two years, who could have voted in that particular jurisdiction, let's say there were 20 of them, so theoretically they could influence the election. A judge may then say these people should be allowed to vote.

If you take that a step further, Mr. Chairman, and they are allowed to vote, they already know what the outcome of the other voting was so then somebody may come along and say they had advance notice. In other words, they looked into the ballot boxes before they actually voted themselves. So it could be a number of those kinds of problems that would arise, Mr. Chairman, and I wouldn't venture to suggest any more. But there are all kinds out there that we just couldn't forecast.

Mr. Chairman, with regard to the question on legal aid, I really don't think that there would be any barriers put in the way of somebody in this particular area, but I would defer to Mr. Kakfwi, if he has more knowledge than I do. Thank you.

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CHAIRMAN (Mr. Lewis):

Thank you, Mr. Pollard. We're still on general comments. I believe you also answered Mr. Pudlat's issue about crime, and that it has to be less than two years. Mr. Pollard.

HON. JOHN POLLARD:

Mr. Chairman, we must not think that people who are serving less than two years are just petty shoplifters or stealing cars or intoxicated or something like that. People serving two years could be in there for all forms of violence against people. They could be in there for sexual assaults, substance abuse. So I guess the answer is that those people serving less

than two years must not be considered to be just petty criminals; there could be some very serious crimes committed by those people. Thank you.

CHAIRMAN (Mr. Lewis):

Thanks very much. Any other Members? We're still on general comments. Mr. Koe.

MR. KOE:

Mahsi, Mr. Chairman. Again, I find myself in a difficult position as an alternate Member on the Standing Committee on Legislation. And, as an alternative Member, I might add, I participated in the discussions leading up to these amendments. The Members of the committee who were active at the time in deliberating these amendments all voiced various objections or concerns, but the bill is now in front of us. The committee has sanctioned parts of it, I imagine, that we are now faced with having to decide on whether to go with the specific clauses.

The constitutional issue which was ruled on by the Supreme Court of Canada is that everybody has the right to vote. Based on that ruling, these amendments are prepared. I, as a Member of SCOL or an alternate Member of SCOL and also as an MLA, am going to support the bill as proposed.

There are many other items in this bill that we haven't even talked about that are good items: The clearing-up of allowing the chief electoral officer to set the period for enumerations; we've improved the enumeration procedures; we've changed the polling days from two to one; we've improved the procedures governing election contributions and expenses. All these, I agree with, so it becomes very difficult now to say we're not going to support, as Members have indicated, certain clauses and leave the others out. So I, for one, am going to be voting in favour of the amendments as have been proposed by the government.

I guess the issue of inmate voting -- and some Members have alluded to it -- is more administration. How do we access inmates? How do we run campaigns in our institutions? These are things that I look forward to during the next campaign. Mahsi.

CHAIRMAN (Mr. Lewis):

We're still on general comments. Does anybody else want to comment on this bill? Mrs. Marie-Jewell.

MRS. MARIE-JEWELL:

Thank you, Mr. Chairman. I guess the basic concern with regard to allowing inmates to vote, no doubt, there's a concern and I think it's a valid concern. However, as we are all aware, with regard to the Charter of Rights and the decisions made by the Supreme Court before with regard to inmates voting, it's basically a right that has been upheld by the court. I think, as Members, we're conscientious of that and respect it.

I guess, morally, we don't feel it's right that inmates should vote, and we feel that inmates should have their voting rights taken away once they are incarcerated, however, the courts have decided otherwise. I certainly just want it noted that I don't believe the general public agrees with the fact that inmates should be allowed to vote. But, like everything else, we respect when the Charter of Rights comes down and decides, I think we have to adhere to it.

Therefore, Mr. Chairman, because of the fact that the Supreme Court has decided that inmates have a voting right in accordance with the Charter of Rights, I will be supporting the amendments. Thank you.

CHAIRMAN (Mr. Lewis):

Thank you very much, Mrs. Marie-Jewell. Are there any other general comments? Back to you, then, Mr. Ningark.

MR. NINGARK:

Thank you, Mr. Chairman. Mr. Chairman, I am a Member of the Standing Committee on Legislation, which reviewed the bill. At the time we discussed it, when we went through this particular bill, I was one of those Members who supported the bill. But the more I think about it, Mr. Chairman, I think we have to send a really strong message to the federal government -- especially the Minister of Justice for the federal government -- that we no longer can tolerate violence against women and children. Even if we are challenged by the inmates and even if we lose, we still have to make a point. We don't want to tolerate violence any more in this particular jurisdiction. In that case, I will not support the bill. Thank you.

CHAIRMAN (Mr. Lewis):

Thank you, Mr. Ningark. Mr. Zoe.

MR. ZOE:

Thank you, Mr. Chairman. Mr. Chairman, just to say on this particular bill, Bill 15, with regard to the Elections Act, the issue that Members have raised is a valid one. But I agree with the government's amendments they are proposing because we have no choice, the decision has been made already by the Supreme Court of Canada. I feel the same way as the government. I don't agree with some of the comments by other Members saying maybe we should wait until it's challenged. If an inmate is going to challenge us, it's obviously going to cost our legal aid program, for sure.

If it is going to go all the way to the Supreme Court again, it is going to be costly. So, in that respect, I agree with the government in these changes and I will be supporting this particular bill. Thank you.

CHAIRMAN (Mr. Lewis):

Thank you, Mr. Zoe. We are still on general comments. Is there anybody else? Ms. Mike.

MS. MIKE:

Thank you, Mr. Chairman. Although I agree with most of the proposed amendments, I have a problem with inmates being able to vote, although I realize this has been challenged and the ruling came out. I am not too sure if, as a woman, I would like one inmate or a number of inmates as the people who put me in the Legislative Assembly; especially if they are sex offenders, in for assaulting a woman or child molesters, for that matter. It reflects on me as a Member. I have a problem with it. As Mrs. Marie-Jewell said, morally, it is not attractive. It can affect

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one person's ability to function as a Member of the Legislative Assembly. I am talking from a woman's point of view and I don't feel comfortable with it. Thank you.

CHAIRMAN (Mr. Lewis):

Thank you, Ms. Mike. Is there anybody else who would like to make a general comment? Mr. Koe.

MR. KOE:

Mahsi, Mr. Chairman. I just want to advise Members that the Canada Elections Act was amended and the current Elections Act for federal elections does allow an inmate to vote. It reads, "Every person who is imprisoned in a correctional institution serving a

sentence of two years or more is disqualified from voting." I read then, that "anybody who is serving two years or less is eligible to vote." So in all federal elections, inmates serving two years or less are allowed to vote. I just wanted to make that statement, to clarify the issue with federal elections.

CHAIRMAN (Mr. Lewis):

Thank you, Mr. Koe. I believe it is less than two years, not two years or less, in the act. Thank you. Mr. Antoine.

MR. ANTOINE:

Thank you, Mr. Chairman. I just wanted to make a few comments about Bill 15, An Act to Amend the Elections Act. I think this is a good bill. It allows inmates serving less than two years the right to vote and there are other proposed amendments, but this one seems to be drawing a lot of attention. I support this bill on this issue. I agree that people serving time in the north here should be allowed to vote; if federal legislation allows them to vote, then they should be allowed to vote here as well. The concern I have is, and I would like to ask the Minister, if they are allowed to vote, are they then eligible to run for office? Thank you.

CHAIRMAN (Mr. Lewis):

Thank you, Mr. Antoine. Before asking for any response to the issue you raised, Mr. Antoine, I will recognize Mr. Whitford.

MR. WHITFORD:

Thank you, Mr. Chairman. Mr. Chairman, I also wanted to ask a question of legal issue of the witnesses on this matter, but Mr. Antoine had a question first. I have no more comments, I just wanted to clarify a point that was made. I will wait for my turn.

CHAIRMAN (Mr. Lewis):

Mr. Pollard, do you have a response to Mr. Antoine's question?

HON. JOHN POLLARD:

Mr. Chairman, if this bill were to pass and there were no amendments to the Legislative Assembly and Executive Council Act, then I suppose somebody could run and be elected to this Legislative Assembly. But, the intent is, as I said earlier this afternoon, Mr.

Chairman, if this bill passes today, it will not be given third reading nor would we ask for third reading until such time as the Legislative Assembly and Executive Council Act has been amended and brought before this House and they would both go to third reading together. There is no intention of taking this bill to third reading without the other bill being amended to prevent the concern that Mr. Antoine raised. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Lewis):

Thank you, Mr. Pollard. Mr. Antoine.

MR. ANTOINE:

Thank you for that explanation, Mr. Minister. I just want to say for the record that, according to statistics, a large majority of people who are in jails in the Northwest Territories are aboriginal people and the main reason they are in jail are for crimes related to misuse of alcohol and alcohol-related problems. Court documents in the communities are proof of this. The majority of the people who, as a result, are incarcerated are aboriginal people. We know that there are lots of social problems out there and, as a result, here in the Legislative Assembly we have passed legislation against societal violence.

Through the laws of this Legislature, we try to solve some of the problems in society and I'm sure people who are incarcerated are not all very bad people. In fact, I probably have a lot of relatives in there right now and so do a lot of people in here. Knowing these people, they have concerns and they would like to see some changes. They are part of society; they will always return to society after they do their time. This allows them to vote and they have an opportunity to vote for the people who will best serve them. Based on that, I have no reason to oppose this bill.

Like I said at the beginning of my comments, I will be supporting this bill and supporting the idea that inmates who are serving less than two years have the right to vote. Thank you.

CHAIRMAN (Mr. Lewis):

Thank you very much. Is there anyone else who wants to say something? Mr. Whitford, do you still want to speak? Mr. Whitford.

MR. WHITFORD:

I wanted to ask a question of the witnesses, Mr. Chairman. Mr. Chairman, I think some of the

examples that were quoted dealt with federal elections. I want to ask, just for the record, if this would affect provincial elections or territorial elections, rather than federal elections. Federal is one thing, territorial is another. Municipal elections, as well, Mr. Chairman, may be affected by these amendments. Any elections that are taking place in the territories, plebiscites included. Would the Supreme Court's decision mean all elections or just of a federal nature?

CHAIRMAN (Mr. Lewis):

Mr. Pollard.

HON. JOHN POLLARD:

Thank you, Mr. Chairman. Mr. Chairman, it affects all of the provincial jurisdictions, Yukon and ourselves. I don't know, and we don't know at the table, whether it would affect municipal elections. I can only say that there are such things as precedent, Mr. Chairman, but it certainly does affect the provinces. Thank you.

CHAIRMAN (Mr. Lewis):

Thank you, Mr. Pollard. Have we finished this item at this stage? Mr. Koe.

MR. KOE:

Mahsi, Mr. Chairman. I would just like to ask the Minister, I recall when there were indications that this bill was going to be revised, there was much discussion about the technical aspects of voting. For example, the ability to use proxies when voting, the possibility of voting by mail and also maybe the use of electronic voting. Can the Minister advise us as to the status of these issues? Has anything changed or is anything proposed to be changed in how people are able to vote in territorial elections?

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CHAIRMAN (Mr. Lewis):

Thank you, Mr. Koe. Mr. Pollard.

HON. JOHN POLLARD:

Mr. Chairman, proxies remain the same. There has been nothing done on voting by mail-in ballot, and the electronic voting was not discussed, Mr. Chairman. Thank you.

CHAIRMAN (Mr. Lewis):

Thank you very much, Mr. Pollard. Are you ready to go clause by clause? Mr. Dent.

MR. DENT:

Thank you, Mr. Chairman. Mr. Chairman, I appreciate that Mr. Pollard has advised that he would not proceed with third reading of this bill until we have before us a bill which would amend the Legislative Assembly and Executive Council Act to ensure that inmates could not be elected as Members of the Legislature. I think it would be better, though, Mr. Chairman, if we could consider both this act and that act at the same time. I think that is a very important aspect of this act being approved, Bill 15. I think it's important that we consider them both at the same time, therefore, I would like to make a motion.

Committee Motion To Defer Consideration Of Bill 15

Mr. Chairman, I move that we defer further consideration of Bill 15 until such time as we have a bill with amendments to the Legislative Assembly and Executive Council Act before us in committee of the whole to consider at the same time. That bill should include provisions to ensure that persons who are convicted cannot be elected to this House.

CHAIRMAN (Mr. Lewis):

It's a pretty long motion and I want to be sure that everybody understands your motion, Mr. Dent. But your motion is in order. I want to ask Members if everybody understands the motion, or would you like to have it written up? We'll take a break while that motion is written up and translated.

---SHORT RECESS

CHAIRMAN (Mr. Lewis):

I will call the committee back to order. We have a quorum and now have a written and translated motion. It is a motion to defer so there is no debate or discussion.

SOME HON. MEMBERS:

(Microphones turned off)

CHAIRMAN (Mr. Lewis):

A point of order was made first by Mr. Koe.

Point Of Order

MR. KOE:

Mr. Chairman, I have a translated copy here in English and it looks like Inuktitut, but there is no Gwich'in translation, so I would like to request that we have Gwich'in translation of this motion, please.

CHAIRMAN (Mr. Lewis):

We've heard one point of order and I believe I can only hear one point of order at a time. I will need to get some legal advice on the point of order made by Mr. Koe that this motion has only been translated into one language.

To your point of order, Mr. Koe, we do have an Official Languages Act and it is not tested that often, but you do have a point of order. You have a right to have this motion put into that language; so, therefore, to this one point of order, I would request that it get translated into Gwich'in, which is your request. I can't entertain other points of order until we deal with this one.

---SHORT RECESS

CHAIRMAN (Mr. Lewis):

Before I can recognize a point of order, there has to be something on which to raise a point of order. So I would like to ask Mr. Dent to read his motion into the record, please.

---Laughter

MR. BALLANTYNE:

We're going to give Mr. Koe a test.

Committee Motion 20-12(7): To Defer Consideration Of Bill 15, Defeated

MR. DENT:

Mr. Chairman, I move that we defer consideration of Bill 15, An Act to Amend the Elections Act.

CHAIRMAN (Mr. Lewis):

The motion is now being translated into Gwich'in, as requested by Mr. Koe, but he does not have to read it in Gwich'in into the record since it has been read into the record in the original language. To the motion. Mr. Zoe has raised a point of order. Mr. Zoe.

Point Of Order

MR. ZOE:

Mr. Chairman, my point of order was going to be that the presenter's version of the motion was totally different but since you recognized him officially to read it into the record, the chair has not ruled on this particular motion.

CHAIRMAN (Mr. Lewis):

The motion we have in front of us is the one that was, in fact, translated and we have it in front of us to vote on. Any other comments that have been made, have been clarified in the motion you see in front of you. So, to your point of order, Mr. Zoe, this is the motion we will be dealing with in committee of the whole, as it was read into the record. You don't have a point of order because we know what the motion is. We didn't know until it was translated and made available to us. This is what we have in front of us now. That is my ruling.

The motion is in order. Mrs. Marie-Jewell.

Motion To Extend Sitting Hours, Carried

MRS. MARIE-JEWELL:

Mr. Chairman, I would like to move that we extend sitting hours until we conclude this bill. Thank you.

CHAIRMAN (Mr. Lewis):

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

MR. PATTERSON:

Point of order.

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CHAIRMAN (Mr. Lewis):

We've had a motion to extend sitting hours until this item is concluded. To that motion.

AN HON. MEMBER:

Question.

CHAIRMAN (Mr. Lewis):

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

---Carried

---Applause

Your point of order, Mr. Patterson.

Point Of Order

MR. PATTERSON:

Mr. Chairman, having heard your ruling, which I respect, I was going to ask since a question was on the floor and was about to be put, whether the first question should not be put before the second motion was ruled on. That was my point of order.

CHAIRMAN (Mr. Lewis):

Thank you. The motion to extend sitting hours takes precedence and stands, and Mr. Patterson doesn't have a point of order on this issue. The motion to defer is still in front of us. The motion is in order. To the motion.

AN HON. MEMBER:

Recorded vote.

CHAIRMAN (Mr. Lewis):

A recorded vote has been requested. All those in favour, please stand. Mr. Clerk.

Recorded Vote

Mr. Patterson, Mr. Pudlat, Mr. Dent, Mr. Ballantyne, Mr. Whitford and Mr. Ningark.

All those opposed, please stand. Mrs. Marie-Jewell, Mr. Zoe, Mr. Koe, Mr. Antoine, Ms. Mike, Mr. Pollard, Mr. Kakfwi, Mr. Todd and Mr. Nerysoo.

The motion to defer has been defeated.

I'm sorry, I missed one. Does anybody want to abstain on this? Nobody. The motion has been defeated.

---Defeated

Okay, we still haven't gone clause by clause on this bill. Any further general comments? Shall we go clause by clause?

SOME HON. MEMBERS:

Agreed.

---Agreed

Clause By Clause

CHAIRMAN (Mr. Lewis):

Clause 1.

SOME HON. MEMBERS:

Agreed.

---Agreed

CHAIRMAN (Mr. Lewis):

Clause 2.

SOME HON. MEMBERS:

Agreed.

---Agreed

CHAIRMAN (Mr. Lewis):

Clause 3.

SOME HON. MEMBERS:

Agreed.

---Agreed

CHAIRMAN (Mr. Lewis):

Clause 4. Mr. Patterson.

MR. PATTERSON:

Mr. Chairman, I wonder if it would be in order to move deferral of this clause until the consequential amendments are brought in to forbid inmates from running for election? Would it be in order to move deferral of this clause?

CHAIRMAN (Mr. Lewis):

Would the honourable Member indicate which part of this particular bill you are asking to be deferred, for the record? Mr. Patterson.

MR. PATTERSON:

Mr. Chairman, clauses 6, 41 and 3.

CHAIRMAN (Mr. Lewis):

Mr. Patterson, we have agreed not to defer the whole bill, but it would be in order to defer parts of the bill. So, if you wanted to do that, it would be in order. Mr. Patterson.

Committee Motion To Defer Clauses 3, 4, 6, and 41 Of Bill 15

MR. PATTERSON:

Mr. Chairman, I move that we defer clauses 3, 4, 6 and 41.

CHAIRMAN (Mr. Lewis):

Okay, thank you, Mr. Patterson. What you propose to do is fine, you had your hand up on clause 3. But you would have to do each of these clauses one at a time, you cannot do the whole bundle. So if you would like to proceed that way, it would be in order to do so.

Committee Motion 21-12(7): Defer Clause 3 Of Bill 15

MR. PATTERSON:

Thank you, Mr. Chairman. I will move that we defer clause 3 at this time.

CHAIRMAN (Mr. Lewis):

Your motion is in order. Mrs. Marie- Jewell.

Point Of Order

MRS. MARIE-JEWELL:

Mr. Chairman, it is my understanding that we, as the Legislative Assembly, agreed to clause 3. Therefore, I don't believe Mr. Patterson can come in after to defer it. Thank you.

CHAIRMAN (Mr. Lewis):

Yes, the chair has ruled that he can deal with these issues as long as he deals with them one at a time.

You don't have a point of order, Mrs. Marie-Jewell. It is a practice of this House that the right to speak on issues is fundamental and I fail to recognize...Mr. Patterson did have his hand up. It was pointed out to me that he did have it up on clause 3 and I think that it is fundamental that the right to speak should be

upheld in this House, that is why I have decided to allow him to deal with clause 3. Mr. Nerysoo.

HON. RICHARD NERYSOO:

Thank you, Mr. Chairman. Then I will challenge your ruling.

CHAIRMAN (Mr. Lewis):

So that I can report to the Speaker as to what the nature of the challenge is, would you like to state what the exact challenge is to the chair? Mr. Nerysoo.

Challenging Of Chairman's Ruling

HON. RICHARD NERYSOO:

Thank you, Mr. Chairman. You had already called, Mr. Chairman, the matter of whether or not Members approved clause 3, you then called clause 4. And, as such, the fact was the decision had already been made on clause 3 and you were dealing with clause 4. You were calling the question on that particular matter, at which time the honourable Member could have raised a question relating to that particular clause.

CHAIRMAN (Mr. Lewis):

Okay, I will rise and report to the Speaker that the chair has been challenged on the issue of whether we have gone beyond the point of no return.

---SHORT RECESS

MR. SPEAKER:

Mr. Lewis.

CHAIRMAN (Mr. Lewis):

Thank you, Mr. Speaker. In committee of the whole, we had dealt with the issue of deferring this bill. That motion was defeated. Then we proceeded to go clause by clause.

Mr. Speaker, there seems to be some urgency in getting this bill dealt with expeditiously. From my seat, as you know, from the design of this chamber, Mr. Speaker, there is someone between myself and Mr. Patterson. He had asked to be recognized. He had his hand in the air. Because he is behind me and not in front of me, I didn't recognize him, although it was pointed out to me by the table officers that he wanted to be recognized. I had to make a judgement

then about the issue of Members' rights in this chamber. Sometimes the rights of the people who sit on the ends are not recognized. For that reason, when it was pointed out to me, although we may have passed clause 3, I decided that Mr. Patterson's request to deal with several of these clauses and defer them one at a time seemed to be just and reasonable. I did point out to him that he would have to deal with them one at a time and not in a bunch, the way he proposed.

On that basis, I decided to allow him to do what he wanted to do and was challenged by Mr. Nerysoo, who pointed out to me that we had passed clause 3 and, therefore, the Member had lost his right to be recognized. Thank you, Mr. Speaker.

MR. SPEAKER:

Thank you, Mr. Lewis. Mr. Lewis, it is the desire of the House to conclude this bill. I haven't seen the Hansard, although I have been observing it from television. I can't say what happened until I look at the Hansard. I would like to take a 15-minute break -- it will take five minutes to get the Hansard -- then I will make a ruling.

---SHORT RECESS

Speaker's Ruling

MR. SPEAKER:

I will call the House to order. I have had an opportunity to review the unedited Hansard surrounding consideration of Bill 15, An Act to Amend the Elections Act, which had led to the point of order by Mrs. Marie-Jewell and the challenge to the chairman's ruling by Mr. Nerysoo.

In reviewing the Hansard, it is evident that there was some confusion in the committee as to what Members wished to do with the clause-by-clause review. I noted that, in fact, the Hansard does indicate that the committee had agreed to Clause 3 of the bill and the chairman had called clause 4. It was at that point that Mr. Patterson was recognized by the chairman to bring forward his request as to the appropriateness of introducing a motion to defer clauses 6, 41 and 3. At that point, the chair ruled that the Member could not introduce a motion that would defer a number of clauses. That ruling was correct. At that point, Mr. Patterson moved that clause 3 be deferred. The point of order is that the committee of the whole had

already agreed to clause 3, so the Member could not now move that motion.

When I reviewed Hansard, it is clear that the House agreed to clause 3 and the appropriate citation on this is, and I quote from Beauchesne's, 6th edition, citation 691(1):

"The clauses of a bill in committee must be considered in their proper order; that is, beginning with clause 1 then taking up clause 2 and so on, to the end of the bill. The chairman usually calls out the number of each clause and reads the marginal note, and may read the clause at length if it is demanded by the committee. Each clause is a distinct question and must be separately discussed. When a clause has been agreed to, it is irregular to discuss it again on the consideration of another clause."

However, it has been the practice of this Assembly to allow Members to go back to clauses that may have been already agreed to, at the discretion of the chairman. I recall that, with the speed that sometimes the committee goes through clauses, the chair has permitted Members to go back a couple of clauses. We also have the practice of allowing Members to request to go back to clauses that may be as far back as nine or 10 clauses. But, normally, the permission of the committee is required. I feel that the role of the chairman is similar to that of the Speaker and that is to ensure that when debating a matter, all Members have an opportunity to express their views. The chair should not be caught up in the issue so that one side of the issue can dominate or filibuster to the detriment of other Members' freedom of speech.

My observations of the debate were that the chair had fulfilled this role by allowing Mr. Patterson to go back to clause 3. On the strict interpretation of section 691(1) of Beauchesne's, I would have to uphold Mr. Nerysoo's challenge. However, I feel the practice of this House, as I have outlined, should be followed as long as no one Member has an advantage over another in debate. Therefore, the chair has some discretion to return to past clauses in this situation. Based on Hansard and the confusing circumstances that existed, this discretion was appropriately exercised. Therefore, I uphold the chair's ruling.

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The committee will resume. Mr. Lewis.

CHAIRMAN (Mr. Lewis):

The committee will come back to order. We were on Bill 15. We are on clause...I'll make sure I'm in the right place before I open my mouth. We just completed clause 3. Mr. Dent.

MR. DENT:

Mr. Chairman, I move we report progress.

CHAIRMAN (Mr. Lewis):

This motion is not debatable. All those in favour? All those opposed? Motion is carried.

---Carried

I shall rise and report progress.

MR. SPEAKER:

Item 20, report of committee of the whole. Mr. Lewis.

ITEM 20: REPORT OF COMMITTEE OF THE WHOLE

CHAIRMAN (Mr. Lewis):

Thank you, Mr. Speaker. It has been quite a day. Your committee has been considering Bill 15 and would like to report progress. Mr. Speaker, I move that the report of committee of the whole be concurred with.

MR. SPEAKER:

Thank you, Mr. Lewis. Do we have a seconder? Mr. Koe. The motion is in order. 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 Constitutional Development Steering Committee in the caucus room immediately after adjournment. There will also be a meeting of the Nunavut Caucus in committee room A immediately after adjournment. There are meetings Monday morning at 9:00 am of the Standing Committee on Finance, and at 10:30 am of the Ordinary Members' Caucus.

Orders of the day for Monday, February 20th:

1. Prayer
2. Budget Address
3. Ministers' Statements
4. Members' Statements
5. Returns to Oral Questions
6. Recognition of Visitors in the Gallery
7. Oral Questions
8. Written Questions
9. Returns to Written Questions
10. Replies to Opening Address
11. Replies to Budget Address
12. Petitions
13. Reports of Standing and Special Committees
14. Reports of Committees on the Review of Bills
15. Tabling of Documents
16. Notices of Motion
17. Notices of Motions for First Reading of Bills
18. Motions
 - Motion 8, Permanent Display of A Y Jackson Collection
19. First Reading of Bills
 - Bill 1, Appropriation Act, No. 2, 1995-96
20. Second Reading of Bills
21. 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

- Committee Report 2-12(7): Report on
Legislative Action Paper on the Office of the
Ombudsman for the Northwest Territories

22. Report of Committee of the Whole

23. 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

24. Orders of the Day

MR. SPEAKER:

Thank you, Mr. Clerk. This House stands adjourned
until February 20th at 1:30 pm.

---ADJOURNMENT