



# NORTHWEST TERRITORIES LEGISLATIVE ASSEMBLY

**7th Session**

**Day ,**

**12<sup>th</sup> Assembly**

## **HANSARD**

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**Speaker: The Hon. Samuel Gargan**

**TUESDAY, FEBRUARY 21, 1995**

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**MEMBERS PRESENT**

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

**ITEM 1: PRAYER**

---Prayer

**SPEAKER (Hon. Samuel Gargan):**

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

**ITEM 3: MEMBERS' STATEMENTS**

Member's Statement On OMC Response To Proposed Federal Gun Control Legislation

**MR. NINGARK:**

Thank you, Mr. Speaker. Mr. Speaker, last October I rose in this House to make a statement on behalf of the Ordinary Members' Caucus regarding gun control. We had just met with the Honourable Allan Rock, the federal Minister of Justice, and shared with him our many concerns regarding potential gun control legislation.

The issues we raised with the Minister included: the use of firearms as tools in traditional lifestyles; the negative impact that the registration of all firearms would have in the north; the need of a large bureaucracy to support this type of registration; and, concern regarding restrictions on sales of ammunition.

Members had a positive feeling about the meeting and felt that Minister Rock listened to and understood our concerns. In concluding our statement in October, I said, Mr. Speaker, "We hope in preparing legislation the Minister will acknowledge our unique situation and provide an exemption or other mechanisms which will provide legislation which is practical, sage and realistic in the northern environment."

Well, Mr. Speaker, as we all know, the legislation tabled by Minister Rock last week did not address any of the concerns we raised with him. There is no acknowledgement in the legislation of the unique circumstances of northern people. Members are not satisfied with many aspects of the gun control legislation tabled by the federal government.

Obviously the meeting with Allan Rock was not sufficient to ensure our concerns were heard and addressed. Therefore, tomorrow I will be introducing a motion on behalf of the Ordinary Members' Caucus which should send a message to the federal government that we are not satisfied and the legislation must be changed. Thank you, Mr. Speaker.

**AN HON. MEMBER:**

Hear, hear.

---Applause

**MR. SPEAKER:**

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

Member's Statement On Achieving Consensus On Capital Site Area

**MR. LEWIS:**

Thank you, Mr. Speaker. Last February, a bomb shell was dropped when the Capital City Liaison Committee announced restrictions on development around the capital site area. What annoyed Yellowknife MLAs, Mr. Speaker, was the fact that they were blamed for the most contentious restrictions imposed for the capital area even though MLAs were not involved in any way in developing the plan.

As a result of a public outcry by stakeholders, I'm pleased to note that the Minister of Municipal and Community Affairs has now taken charge and will develop a better way to build consensus on developing this plan. At a meeting between the city and the Government of the Northwest Territories in January, a list was made of the most contentious elements and it was proposed to talk to various stakeholders about them and achieve consensus by this summer. I look forward to seeing a reasonable plan for development of the capital site and hope that our new Minister of Municipal and Community Affairs, Mr. Ng, will give this matter his close attention. Thank you, Mr. Speaker.

---Applause

**MR. SPEAKER:**

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

Member's Statement On Long-Service Award Recipients In The Inuvik Region

**MR. KOE:**

Mahsi, Mr. Speaker. Across the north in the past few months, there have been many long service award dinners recognizing employees of this government. In January, there was a dinner held in Inuvik to recognize long-service employees in the Inuvik region. As we all know, employees are the backbone of any organization, especially ones who demonstrate, through long service, their dedication and commitment to their job and to their employer. They provide a valuable service, not in the community or communities in which they have lived, but to northerners in general.

There are many employees in the employ of this government but I want to mention a few in particular from the Inuvik area who received long-service awards: I would especially like to mention Mary Ellen Binder and Helen Lalonde; both are teachers and both received 20 year service awards. Also, Bill English and Liz Hansen received 25-year awards. I would like to mention these four individuals in

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particular. They've lived in various parts of the Inuvik region and I wish to honour them today by making this statement. Mahsi.

---Applause

**MR. SPEAKER:**

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

Member's Statement On Effect Of Restraint Measures On Communities

**MR. ANTOINE:**

Mahsi, Mr. Speaker. I would like to talk today about how our government's budget restraint measures are going to affect our communities. We know that the government is taking steps to maintain, as healthy as

possible, the financial situation. We also know that this involves spending cuts. But what we don't know, Mr. Speaker, is exactly how the government will go about this and what impact this will have in our communities.

Prior to this session, about two weeks ago, like many of my colleagues, Mr. Speaker, I spent a lot of time visiting people in the communities in my constituency. These people know that governments across the country are cutting back on programs, Mr. Speaker. They want to know how it will affect them. They want some assurance that the government will act responsibly when it comes to cutting spending. They want the government to seriously consider each of their proposed actions in terms of how it will affect communities.

Our hope for the future lies with our communities. In order to survive and flourish, our people need strong communities. We have to focus our efforts on developing strong communities; that is, communities that stand on their own and provide for their people.

Mr. Speaker, I think that this will require some thinking about how we deliver public services. I have heard this referred to as "re-thinking government." We cannot continue to rely on methods of the past. We cannot continue to build huge bureaucratic structures that are supposed to provide people in the communities with what they need. We have to think about how we can help communities to help themselves.

It isn't good enough to filter limited money through a huge bureaucracy. It isn't good enough to have people in the headquarters office telling people in communities how to run their affairs. We need to take a community development approach. We need to restructure our government and its approach to providing community service.

Mr. Speaker, our Finance Minister has delivered his budget address; next week, the federal Finance Minister will present his budget to the country. I will look forward to that and I sincerely hope that each budget will contain at least some good news that is in the form of plans for developing our communities and for restructuring the way public services are delivered. Mahsi, Mr. Speaker.

**MR. SPEAKER:**

Thank you, Mr. Antoine. Item 3, Members' statements. Item 4, returns to oral questions, Mr. Pollard.

#### ITEM 4: RETURNS TO ORAL QUESTIONS

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

#### **HON. JOHN POLLARD:**

Thank you, Mr. Speaker, good afternoon. Mr. Speaker, I have a return to an oral question asked by Mr. Ballantyne on February 17, 1995. It concerned the status of the Nursing Profession Act. Mr. Speaker, as I indicated in a letter to the honourable Member on February 8, 1995, I have been advised that drafting and translation of the bill is in the final stages. The government realizes the importance of this bill, to the future graduates of the nursing program, and has every intention of introducing this bill before the end of February 1995 for passage during the 7th Session of the 12th Legislative Assembly. Thank you, Mr. Speaker.

#### **MR. SPEAKER:**

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

#### ITEM 5: RECOGNITION OF VISITORS IN THE GALLERY

#### **MR. WHITFORD:**

Thank you, Mr. Speaker. Mr. Speaker, colleagues, I would like to take this occasion to introduce Lydia Bardak, executive director of the Council for the Disabled; formerly with the Canadian National Institute for the Blind here in Yellowknife. Lydia is quite active in the community in many ways, her fund-raising particularly, and a frequent visitor to our gallery. I would like to welcome her.

---Applause

#### **MR. SPEAKER:**

Item 5, recognition of visitors in the gallery. Item 6, oral questions. Mr. Ballantyne.

#### ITEM 6: ORAL QUESTIONS

Question 117-12(7): Status Of Skills Inventory For Potential Diamond Mine

#### **MR. BALLANTYNE:**

I have a question, Mr. Speaker, to the Minister responsible for Education, Culture and Employment. Mr. Speaker, because there seems to be a good chance that a diamond mine could open up in the next three years in the Northwest Territories with a potential for 600 or more jobs, I wonder what progress has the department made in producing a skills inventory of the North and South Slave human resources, particularly of aboriginal people, to meet this huge employment opportunity?

#### **MR. SPEAKER:**

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

Return To Question 117-12(7): Status Of Skills Inventory For Potential Diamond Mine

#### **HON. RICHARD NERYSOO:**

Mr. Whitford recommends that I should say, yes, Mr. Speaker. Mr. Speaker, I cannot say for certain whether or not we have completed the inventory. I can say to the honourable Member we had been working internally with the Department of Economic Development and Tourism, Renewable Resources and a number of other departments in trying to identify an overall position and an overall response to the whole matter of mining development: in particular, the whole issue of responding to the

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matter of the diamond industry. And as a collective, hopefully we can develop an issue that is responsive to the concern that the honourable Member has raised.

#### **MR. SPEAKER:**

Thank you. Mr. Ballantyne.

Supplementary To Question 117-12(7): Status Of Skills Inventory For Potential Diamond Mine

#### **MR. BALLANTYNE:**

Thank you, Mr. Speaker. The Minister is aware of the record of our government in the past, and the opportunities provided to northern people in the past have not been as positive as they should have been. So I am wondering if the Minister could give a time

frame when this baseline study will be completed.  
Thank you.

**MR. SPEAKER:**

Mr. Nerysoo.

Further Return To Question 117-12(7): Status Of Skills Inventory For Potential Diamond Mine

**HON. RICHARD NERYSOO:**

Thank you, Mr. Speaker. I cannot give the honourable Member a specific time line. I can advise the honourable Member when the whole matter of Izok Lake was being dealt with, we developed an overall assessment of the job requirements in that particular industry and tried to match that with the potential developments that would occur and the kind of training requirements that were identified. That was intended to give us a reflection of what might be required in overall developments in that area. What we now need to do is to be more specific about the actual requirements in the industry itself and match the numbers to that along with the other requirements for training. I hope my other colleagues in our working committee will be able to identify those requirements, including government employment or job requirements, in order for us to participate in that particular development.

**MR. SPEAKER:**

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

Supplementary To Question 117-12(7): Status Of Skills Inventory For Potential Diamond Mine

**MR. BALLANTYNE:**

Thank you. I thank the Minister for that response. It appears there will be opportunities, at least, for positions in areas other than the traditional positions that are associated with mining. For instance, in the area of security and there is a possibility for a sorting facility. I just wonder what sort of discussions have taken place with BHP in order to put together training modules in the Northwest Territories, to prepare our people for these opportunities.

**MR. SPEAKER:**

Mr. Nerysoo.

Further Return To Question 117-12(7): Status Of Skills Inventory For Potential Diamond Mine

**HON. RICHARD NERYSOO:**

Thank you, Mr. Speaker. I just want to advise the honourable Member, we have a study that is ongoing, right now, on those particular issues, to identify those potential employment opportunities. In fact, the Department of Economic Development and Tourism and my colleague, the Honourable John Todd, is involved directly with that particular report. It also includes not only this particular region, the Yellowknife and broader North Slave area, but it includes the Kitikmeot and also includes the Keewatin, in that particular study.

**MR. SPEAKER:**

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

Question 118-12(7): Proclamation Of Aboriginal Custom Adoption Recognition Act

**MR. KOE:**

Mahsi, Mr. Speaker. The Aboriginal Custom Adoption Recognition Act was presented to this House on November 10, 1994 and I believe the act was to be administered by the Department of Health and Social Services. But the responsibility to implement the act, I believe, is with the Minister of Justice. When will this particular act be proclaimed in force?

**MR. SPEAKER:**

Minister of Justice, Mr. Kakfwi.

**HON. STEPHEN KAKFWI:**

Mr. Speaker, I don't have the information with me, so I will take it as notice. Thank you.

**MR. SPEAKER:**

The question is taken as notice. Item 6, oral questions. Mr. Pudluk.

Question 119-12(7): Lay-off Notice To GLOs

**MR. PUDLUK:**

(Translation) Thank you, Mr. Speaker. My question is directed to the Premier. Last week, the Premier stated that the GLO positions in the communities were given notice only five days ahead of time. Did

the Premier extend a certain number of days to warn the GLOs? Thank you.

**MR. SPEAKER:**

Madam Premier.

Return To Question 119-12(7): Lay-off Notice To GLOs

**HON. NELLIE COURNOYEA:**

Mr. Speaker, the GLOs were given notice of the change in their status on April 1st. We asked the GLOs to, within five days, give us an indication of whether they would be interested in continuing their employment half-time starting April 1st. I haven't got an update on how many people have responded. I know the Baffin is still a bit behind in responding. One of the questions that the GLOs asked in some of the other areas is how the work they were doing that was not related to requirements through the Executive Offices would be applied to their new job. As a result, there are three or four GLOs who will be picking up the other half time, which indicates that it will be Health and Social Services taking up the cost because, in fact, they were doing work on behalf of the Department of Health and Social Services. The five days was only to get an indication from the GLOs to see whether they were still interested in the job if it were half time starting April 1st. Thank you, Mr. Speaker.

**MR. SPEAKER:**

Thank you. Supplementary, Mr. Pudluk.

Supplementary To Question 119-12(7): Lay-off Notice To GLOs

**MR. PUDLUK:**

(Translation) Thank you, Mr. Speaker. I asked the Premier if she has extended the five days so the GLOs would have more time to respond about

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whether they would stay on or not. Thank you.

**MR. SPEAKER:**

Madam Premier.

Further Return To Question 119-12(7): Lay-off Notice To GLOs

**HON. NELLIE COURNOYEA:**

Mr. Speaker, we indicated to the GLOs that they had more time than the five days that were originally indicated as a response time frame. Thank you.

**MR. SPEAKER:**

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

Question 120-12(7): Status Of "Drunkenness" Defence Used In Court

**MR. KOE:**

Mahsi, Mr. Speaker. In the past year, there has been much discussion about Supreme Court rulings which allowed drunkenness in a sexual assault case to be used as a defence. I noticed in this week's local newspaper a case in the Northwest Territories where a lawyer is going to use this ploy as a defence argument for one of his clients. In October 1994, the Minister of Justice indicated that there were ongoing discussions with all the provinces and the federal government about using the defence of intoxication. My question to the Minister of Justice is what current discussions have been held and what is the current status on this issue?

**MR. SPEAKER:**

Minister of Justice, Mr. Kakfwi.

Return To Question 120-12(7): Status Of "Drunkenness" Defence Used In Court

**HON. STEPHEN KAKFWI:**

Thank you, Mr. Speaker. It is my understanding that the federal Minister has instructed his officials to place as the highest priority the introduction, to this session of Parliament, of legislation that would remove drunkenness as a defence, as we have suggested to the Minister on previous occasions and at the national Justice Ministers' meetings four weeks ago. This is what I understand: that the drafting of legislation has been made the highest priority and the Minister expects to introduce it to Parliament in the course of this session. Thank you.

**MR. SPEAKER:**

Thank you. Supplementary, Mr. Koe.

Supplementary To Question 120-12(7): Status Of "Drunkenness" Defence Used In Court

**MR. KOE:**

Mahsi, Mr. Speaker. Given the recent news articles about a lawyer in our own backyard using the defence of intoxication in a case, is the Minister taking any steps to investigate this specific incident?

**MR. SPEAKER:**

Mr. Kakfwi.

Further Return To Question 120-12(7): Status Of "Drunkness" Defence Used In Court

**HON. STEPHEN KAKFWI:**

Mr. Speaker, it is the Crown attorneys and the federal prosecutor's office who handle these matters at this time. I'm sure they have advised the federal justice officials in Ottawa that these defence cases are being developed, as we speak. Thank you.

**MR. SPEAKER:**

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

Question 121-12(7): Interim Measures For Crime Situation In Yellowknife

**MR. BALLANTYNE:**

Thank you, Mr. Speaker. Mr. Speaker, my question is to the Minister of Justice. Over the past few weeks, there has been increasing concern in the city of Yellowknife about crime and about break and enters. I, along with other Yellowknife MLAs, have talked to the police and I know the Minister has been briefed by the police about the situation here in Yellowknife. I wonder if the Minister, in coordination with the police, is prepared to do anything on an interim basis until some of the long-term community-based justice programs come into place. Thank you, Mr. Speaker.

**MR. SPEAKER:**

Minister of Justice, Mr. Kakfwi.

Return To Question 121-12(7): Interim Measures For Crime Situation In Yellowknife

**HON. STEPHEN KAKFWI:**

Thank you, Mr. Speaker. It is part of our ongoing discussions with the RCMP that we have regular briefings here in Yellowknife about the situation, particularly because of the high profile given to recent incidents of vandalism, robberies, other crimes and

some news reports. It is expected that, with the proposed increases in funding to the policing budget this year, the RCMP are currently proposing to reallocate additional positions throughout the Northwest Territories and I believe they may be considering that for Yellowknife as well. Thank you.

**MR. SPEAKER:**

Supplementary, Mr. Ballantyne.

Supplementary To Question 121-12(7): Interim Measures For Crime Situation In Yellowknife

**MR. BALLANTYNE:**

Thank you, Mr. Speaker. I think there is a lot of support in this Legislative Assembly for community-based policing programs. I know there are pilot projects going on right now. I wonder though, it seems that the pilot projects are in smaller communities and it also seems that we need a closer partnership between the police, the territorial government and the municipal governments in the larger communities. My question to the Minister is, is he giving any thought to establishing some cooperative programs in larger tax-based municipalities. Thank you, Mr. Speaker.

**MR. SPEAKER:**

Mr. Kakfwi.

Further Return To Question 121-12(7): Interim Measures For Crime Situation In Yellowknife

**HON. STEPHEN KAKFWI:**

Mr. Speaker, at this time, we don't have any specific suggestions to make in that regard, although we are having some discussions at this time to develop a framework that would allow community-based policing projects to proceed. But we haven't finalized a general framework yet that would allow us to proceed on specific cases. Thank you.

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**MR. SPEAKER:**

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

Supplementary To Question 121-12(7): Interim Measures For Crime Situation In Yellowknife

**MR. BALLANTYNE:**

Thank you, Mr. Speaker. Mr. Speaker, I think we're all cognizant of the fact that although having more policemen will help, it's not going to ultimately be the solution to the problem. The solution to the problem is total community involvement. My question to the Minister is if the Yellowknife MLAs got together a meeting with the mayor of the city of Yellowknife, would the Minister be prepared to sit down and discuss some possible community approaches that would be taken in the city of Yellowknife. Thank you, Mr. Speaker.

**MR. SPEAKER:**

Mr. Kakfwi.

Further Return To Question 121-12(7): Interim Measures For Crime Situation In Yellowknife

**HON. STEPHEN KAKFWI:**

Yes, Mr. Speaker, I would be prepared to do that.

**MR. SPEAKER:**

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

Question 122-12(7): Social Services Replacement Workers

**MS. MIKE:**

Thank you, Mr. Speaker. My question is to the Premier concerning the GLOs. I do realize that in the smaller communities it is the common practice of GLOs to do some Social Services work when the social worker in the community has quit or before recruitment is made. This is usually because there are no qualified human resource persons or no interested persons in the small community who are available to fill in as a casual worker. My question to the Premier is, who will do the work for Social Services when GLOs go on half time? Thank you.

**MR. SPEAKER:**

Madam Premier.

Return To Question 122-12(7): Social Services Replacement Workers

**HON. NELLIE COURNOYEA:**

Mr. Speaker, the issue of who does the health or the Social Service work is one that would have to be

looked at and identified according to the workload and how we're going to move in continuing to provide the service. So each circumstance will be evaluated and dealt with, Mr. Speaker. Thank you.

**MR. SPEAKER:**

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

Supplementary To Question 122-12(7): Social Services Replacement Workers

**MS. MIKE:**

Thank you, Mr. Speaker. With a population of less than 1,000 in a community, human resources are nearly all employed by the GNWT and by local business people; but, in a small community where the population is less than 600, it has been that GLOs do fill in for government positions at times because in the communities sometimes it takes three, four or five months to do any recruitment. I have a concern when these GLOs go on half time in the smaller communities, because they do come in as help is needed for this particular government. They have been doing some work for social services until such a time as recruitment is made. My question to the Minister is, is she aware that in the smaller communities GLOs do social service work? Thank you.

**MR. SPEAKER:**

Madam Premier.

Further Return To Question 122-12(7): Social Services Replacement Workers

**HON. NELLIE COURNOYEA:**

Mr. Speaker, yes, I am aware.

**MR. SPEAKER:**

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

Question 123-12(7): Status Of Human Resources Strategy For Diamond Industry

**MR. WHITFORD:**

Thank you, Mr. Speaker. Good afternoon. Mr. Speaker, I would like to direct a question to the Minister of Education, Culture and Employment; it's a follow-up to one that Mr. Koe had raised a few moments ago concerning the diamond industry and



other industries in the north. Like any other industry, they need a skilled workforce, and often you can't find those in the community because we react too late. After the business gets going, it's a little too late to start looking for skilled, trained people. The oil industry experienced that a few years ago, but they took action. They went ahead and recruited and trained people in anticipation that something was going to happen. I would like to ask the Minister a question in that vein. He did mention in his reply about a strategy that was under way or going to be under way. I would like to find out what's the timetable for that strategy. When does this strategy kick in, Mr. Speaker?

**MR. SPEAKER:**

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

Return To Question 123-12(7): Status Of Human Resources Strategy For Diamond Industry

**HON. RICHARD NERYSOO:**

Thank you, Mr. Speaker. In fact, Mr. Speaker, I think the credit should go to Mr. Ballantyne. He was the individual asking the question. However, just to respond to the honourable Member -- and I believe it was part of a question that was asked also by Mr. Ballantyne, but I appreciate the honourable Member raising the matter again -- the department is developing a strategy which is planned to be completed by April 1995 which addresses the matter of the government and the people of the north maximizing northern employment in the mining industry. To be more specific, I want to advise the honourable Member that Human Resources Development Canada and the North Slave Economic Development and Tourism group are funding partners in this initiative, because they feel that it's an important component in order for us, as a government to respond and for them to identify the individuals who could participate in the mining industry.

**MR. SPEAKER:**

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

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Supplementary To Question 123-12(7): Status Of Human Resources Strategy For Diamond Industry

**MR. WHITFORD:**

Thank you, Mr. Speaker. My apologies to Mr. Koe and to Mr. Ballantyne. From over here, without my glasses...Mr. Speaker, I think you would probably be aware that some time ago the oil industry was endeavouring to recruit people in the territories to work in the industry. They called on northerners to put together an inventory of potential employees; that is, go almost community to community to see who was available and what particular skills they had in that area or any skills they had in the oil and gas industry, electrical, plumbing, this kind of thing. They put this together, along with their names. I want to ask the Minister whether or not such an inventory exists today, or have you given any thought, if it isn't there, to establishing something like that.

**MR. SPEAKER:**

Mr. Nerysoo.

Further Return To Question 123-12(7): Status Of Human Resources Strategy For Diamond Industry

**HON. RICHARD NERYSOO:**

Thank you, Mr. Speaker. I again appreciate the questions that are being asked. I think what was required -- and it was a point that was raised and, again, a comment made by the honourable Member for Yellowknife North, and was an issue of concern to the honourable Member who raised the question...The issue initially was that we didn't identify the jobs that were available, or the numbers of jobs that could be made available. Once that is done, we then have the ability to identify the potential training opportunities that could be made available to people in Yellowknife or the surrounding region, in the Kitikmeot or in the North Slave area. Hopefully, we can expand the information to include the Keewatin. Once we've done that, it is much easier for us than to talk to the communities to advise them of the potential and to identify the individuals for training. I think that's an important component.

I do want to say again that it's been very fortunate for us to have gone through the Izok Lake assessment because the Kitikmeot was involved. They've identified some of the issues. The Treaty 8 group has been involved. The Dogrib communities have been involved. The Honourable John Todd has been involved in discussions with the city of Yellowknife and other partners in this region, including the Chamber of Mines and the Chamber of Commerce. The consultant will be researching existing documentation consulting with stakeholders and to

have a strategy, hopefully, done by April of 1995. The suggestion of an information catalogue system of potential individuals, I think, is a very good one and should be considered in the strategy.

**MR. SPEAKER:**

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

Question 124-12(7): Difference In PY Figures In Budget Address Vs Budget Estimates

**MR. KOE:**

Mahsi, Mr. Speaker. Mr. Speaker, yesterday the Minister of Finance presented his budget address. It was a dynamic presentation by the Minister of Finance. In his statement, he mentioned that this government went through some difficult downsizing and streamlining and went on to say, on page 8 of his address, that in 1994-95, this government eliminated 86 person years. When I take that statement and look at the main estimates book under the schedule under viii, which shows a summary of continuing person year requirements, I note that there has only been a reduction of 52 PYs from the 1994 revised forecast to the 1995-96 main estimates. So there is a difference of 34 person years. Tonight I would like to sleep easy, rest and put my mind at ease. So can the Minister explain why this difference in person years from his statement from what the book says?

**MR. SPEAKER:**

Minister of Finance, Mr. Pollard.

Return To Question 124-12(7): Difference In PY Figures In Budget Address Vs Budget Estimates

**HON. JOHN POLLARD:**

Thank you, Mr. Speaker. Mr. Speaker, when we say we eliminated the jobs, that is exactly what we did. We took the jobs out of the departments or the boards and they were jobs stricken from the record. The difference between the two numbers, Mr. Speaker, is in each year, we also have forced growth. We see most of that in teachers. As our young population gets into schools, we need more teachers. So the difference between the two is the forced growth, the extra positions we had to put on to meet the needs of the boards. Thank you, Mr. Speaker.

**MR. SPEAKER:**

Thank you. Supplementary, Mr. Koe.

Supplementary To Question 124-12(7): Difference In PY Figures In Budget Address Vs Budget Estimates

**MR. KOE:**

The Minister really hasn't convinced me with his arguments. Where were the majority of these reductions in PYs? I am referring to PYs because that is what the Minister said in his statement, not jobs. Where were the majority of the reductions made? Were they made at headquarters or at regional levels?

**MR. SPEAKER:**

Mr. Pollard.

Further Return To Question 124-12(7): Difference In PY Figures In Budget Address Vs Budget Estimates

**HON. JOHN POLLARD:**

Mr. Speaker, that gets complicated. Some of them are half positions and so on. So I will table a comprehensive document that shows the positions that were eliminated, the forced growth that took place and -- I know that Mr. Koe is an expert in numbers -- I will make sure the numbers balance. Thank you, Mr. Speaker.

**MR. SPEAKER:**

Thank you. Supplementary, Mr. Koe.

Supplementary To Question 124-12(7): Difference In PY Figures In Budget Address Vs Budget Estimates

**MR. KOE:**

Mahsi. I have to buy a new calculator. The Minister didn't really answer my question as to whether the majority of these reductions are made at headquarters, which I assume they were. They were supposed to be made at headquarters or be transferred into regions. What was the impact on the growth in the Government of the Northwest Territories public service in Yellowknife?

**MR. SPEAKER:**

Mr. Pollard.

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Further Return To Question 124-12(7): Difference In PY Figures In Budget Address Vs Budget Estimates

**HON. JOHN POLLARD:**

Mr. Speaker, when I table the document that I just mentioned, it will be by community. So the impact upon Yellowknife will be visible in that document. Thank you.

**MR. SPEAKER:**

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

Question 125-12(7): Budget Estimate Increases In Forecasted Revenues

**MRS. MARIE-JEWELL:**

Thank you, Mr. Speaker. I have a question to the Minister of Finance. Mr. Speaker, yesterday, when the Minister of Finance tabled his budget book, in reviewing the taxation revenue and listening to his interview this morning, he indicated that there would be no increase in taxation. But the budget book reveals an estimated increase in the forecast of revenues. When you look at the personal income tax in last year's main estimates compared to this year, you will notice an increase of 4.9 per cent; corporate taxes, 32.2 per cent; and, payroll taxes, five per cent. Can the Minister indicate if he feels, in his viewpoint, that the economy is enhanced by allowing such forecasted revenues to be reflected in this budget?

**MR. SPEAKER:**

Thank you. Minister of Finance, Mr. Pollard.

Return To Question 125-12(7): Budget Estimate Increases In Forecasted Revenues

**HON. JOHN POLLARD:**

Thank you, Mr. Speaker. Mr. Speaker, as I said yesterday -- and forecasting is not a very good science, Mr. Speaker -- we believe there have been 1,000 jobs created this year. We are seeing a volume growth in the amount of taxation that we are receiving. That affects the personal income tax, the number of jobs in the Northwest Territories and the payroll tax. Salaries are creeping along and there is some growth in salaries. So we get a bit more of an increase in taxation in that regard.

With regard to corporate taxes, Mr. Speaker, it is very difficult to predict. Individuals living in the Northwest Territories declare tax in the NWT, personally. People working in the NWT must pay the payroll tax

in the Northwest Territories. Corporations have a little bit more leeway. They can declare taxation where they can get it the lowest. As I said on the radio this morning, Newfoundland has reduced their taxation down to 14 per cent corporately. So it is difficult to really forecast exactly what is going to happen, but we believe there are going to be some increases in corporate income tax declared in the Northwest Territories. Thank you, Mr. Speaker.

**MR. SPEAKER:**

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

Supplementary To Question 125-12(7): Budget Estimate Increases In Forecasted Revenues

**MRS. MARIE-JEWELL:**

Thank you, Mr. Speaker. Can I ask the Minister to provide to this House the amounts of increases over the past two years of estimated revenues, to see whether or not they were the estimations predicted initially? Would he provide that information to the House? Thank you.

**MR. SPEAKER:**

Thank you. Mr. Pollard.

Further Return To Question 125-12(7): Budget Estimate Increases In Forecasted Revenues

**HON. JOHN POLLARD:**

Yes, Mr. Speaker. I will provide the information to the House. But as I said earlier...For instance, at the last Finance Ministers' meeting, there was agreement around the table that with today's volatile economy and interest rates, the kinds of five-year forecasting people used to do is out the window. You are lucky if you can forecast for a year. I will provide the information, but it is only as good as the indicators that we have. Thank you.

**MR. SPEAKER:**

Thank you. Supplementary, Mrs. Marie-Jewell.

Supplementary To Question 125-12(7): Budget Estimate Increases In Forecasted Revenues

**MRS. MARIE-JEWELL:**

Thank you, Mr. Speaker. I asked that question because of the fact that when we initially implemented a payroll tax, the actuals and the projected revenues were \$7.8 million. However, the actual revenue received by the government was to the tune of \$11.8 million, when you look at the 1994-95 budget. This year, with the revenue estimated, they anticipate to receive anywhere from \$12.4 million in payroll taxes. Having said that, the Minister's budget, as we all know, is presented as a deficit budget. But looking at where these revenues are going to be coming in from, it would be helpful to the Members of this House -- we all know that liquor revenues are going up, as well as goods and services revenues -- if the Department of Finance could advise their projected revenues so we may determine the cause for the increased projected amounts placed in the budget book. Thank you.

**MR. SPEAKER:**

Mr. Pollard.

Further Return To Question 125-12(7): Budget Estimate Increases In Forecasted Revenues

**HON. JOHN POLLARD:**

Mr. Speaker, I will provide the information. Thank you.

**MR. SPEAKER:**

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

Question 126-12(7): GNWT Strategy Re Quebec Referendum

**MR. BALLANTYNE:**

Mr. Speaker, my question is to the Premier and it has to do with the referendum in Quebec. Everyone is aware that the whole issue of the referendum is heating up. Bouchard is back into the fray, and it is in the news every day. Our jurisdiction is probably the most vulnerable jurisdiction to changes in the Canadian federation. My question to the Premier is what is the GNWT strategy in dealing the referendum in Quebec on separation?

**MR. SPEAKER:**

Madam Premier.

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Return To Question 126-12(7): GNWT Strategy Re Quebec Referendum

**HON. NELLIE COURNOYEA:**

Mr. Speaker, we have made it very clear in the referendum talks and in response to any suggestions of change in the realignment of any boundaries that it would be totally unacceptable to the Northwest Territories. In terms of discussions we have had with other Premiers at the table, there has been a difficult discussion about how to approach the momentum that has been building in Quebec for a referendum. I know that a couple of the Premiers have decided to become a little more aggressive in making statements and being involved. However, in discussions with all the other Premiers and the Prime Minister of Canada, the basic assumption was that the action is in Quebec and we should be careful in taking our particular point of view and perhaps having that point of view turn against us because it could provide a situation where it gives more credence to the issue of sovereignty for Quebec.

The Ottawa office continues to monitor the situation and the government is kept informed on the various initiatives that have been taken by other provincial jurisdictions. As well, the Prime Minister's office is attempting to keep us in tune. We've offered, as a jurisdiction, to be involved but up to this point in time, there hasn't been an indication of what would be most helpful in this situation, Mr. Speaker.

**MR. SPEAKER:**

Thank you. Supplementary, Mr. Ballantyne.

Supplementary To Question 126-12(7): GNWT Strategy Re Quebec Referendum

**MR. BALLANTYNE:**

I think it's a very important problem for the Northwest Territories. My question to the Premier is has our government looked at what the ramifications would be for the Northwest Territories if, for instance, the people in Quebec decided that they would separate?

**MR. SPEAKER:**

Madam Premier.

Further Return To Question 126-12(7): GNWT Strategy Re Quebec Referendum

**HON. NELLIE COURNOYEA:**

Mr. Speaker, the work that our Ottawa office is doing is trying to identify some of the areas that would be of major importance to us if and when the referendum takes place. I believe that it is everyone's firm opinion, whether it be British Columbia, Nova Scotia or New Brunswick, that the significant ramifications on how each jurisdiction is treated financially has not been looked at. I know that there is an intergovernmental committee at the Premiers' level looking at some of the effects of taking the provincial jurisdiction of Quebec out of the tax base on the rest of the country.

As the Member knows, and anyone else who is listening to statements being made, it is not quite clear what the intent of the province of Quebec is in terms of their obligations to the overall Canadian debt situation. We know that they have suggested that they would pay the interest, which got some chuckles. Most jurisdictions feel that this should be handled properly without undue excitement. We should not be putting ourselves in a situation where we are further promoting sovereignty. That seems to be the major concern.

The assessments we are making as a Northwest Territories jurisdiction include the implications of the Makivik offshore negotiations or Quebec-federal government negotiations could have on Northwest Territories boundaries arising from Quebec's claim to lands and waters in the Hudson Bay, James Bay, Hudson Strait and Ungava Bay region. This issue is of continued interest to the Northwest Territories, and our people are monitoring this issue as well as the disruptive implications of the Quebec separation movement for the Northwest Territories resupply operations, cost escalations and possible alternative resupply options.

Another issue is the implications which a national unity crisis would have on the division of the territories and the establishment of Nunavut in terms of delay and fiscal pressures. We feel that there will be consequences of Quebec separation for aboriginal people in Quebec and possible issues relating to the efforts by Inuit of northern Quebec to seek inclusion in the Nunavut territory.

Mr. Speaker, as you can see, there are implications to the well-being of the Northwest Territories. We try, as much as possible, to use our offices in Ottawa to keep ahead of the situation so that, if and when the situation becomes more real, we can have a respectable response. Thank you, Mr. Speaker.

**MR. SPEAKER:**

Supplementary, Mr. Ballantyne.

Supplementary To Question 126-12(7): GNWT Strategy Re Quebec Referendum

**MR. BALLANTYNE:**

Thank you. I take it from that rather long answer that the government doesn't really know what the impact would be on the Northwest Territories. Because 85 per cent of our funding comes from Ottawa, it seems to me that we are the most dependent jurisdiction in the united Canadian federation of any jurisdiction and easily the most vulnerable. The other side of the equation is if the referendum of Quebec turns out so that Quebec stays in and there will be a new round of constitutional discussions. For those people who didn't support Charlottetown or Meech Lake, the end result is that we have absolutely no or very little constitutional protection in the existing constitution of Canada. What will be the government's strategy if, in fact, the result of the referendum is that the people of Quebec decide to stay in confederation? How will we get involved in the next round of constitutional discussions?

**MR. SPEAKER:**

Madam Premier.

Further Return To Question 126-12(7): GNWT Strategy Re Quebec Referendum

**HON. NELLIE COURNOYEA:**

Mr. Speaker, the Northwest Territories government and the residents of the Northwest Territories have a large, vast constituency that, in itself, provides that it is well managed. A positive look at how we could be more self-sufficient, probably would be a far more positive way of dealing with the situation. Dependency on other jurisdictions or other matters from the provincial jurisdictions, whether there is separation, whether there is not, whether there

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may be another constitutional round really are just questions that are looming over the horizon. We can only second-guess what they would be, and we can only second-guess some possible strategy to a theoretical question. But we realize that they are there, we take it seriously, but in the meantime, I believe our situation is one where we have an

opportunity to gain much more self-sufficiency in the wise use of our resources that we have here in the Northwest Territories and in managing them well. There have been a number of claim settlements that could be well supported in trying to get some movement for the residents of the Northwest Territories in terms of jobs and business opportunities.

So I guess when such a question has been posed to me, it's difficult to answer in a very simple way because there are a lot of issues in the national, global context that can go either way and I would think that we will be involved in any future constitutional discussions. We've been assured of that, if there should be one.

Certainly, in terms of the financial arrangements that we have with Canada, with the Prime Minister, he realizes the particular situation with us. Once the budget comes down, we will be having another series of meetings on how we can cooperatively make sure that if there are going to be cuts or squeezes, that we play a part on how that is done, whether it's a federal operation in the Northwest Territories or a territorial one.

So, Mr. Speaker, I don't want to be evasive or try to put it off and not answer the question, but I do not believe that we will not be included in whatever there is or whatever situation we find ourselves in. Certainly, self-sufficiency is a most important goal to achieve and, secondly, if all goes according to the best scenario, Canada stays together. Thank you, Mr. Speaker.

**MR. SPEAKER:**

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

Supplementary To Question 126-12(7): GNWT Strategy Re Quebec Referendum

**MR. BALLANTYNE:**

Final supplementary, Mr. Speaker. Mr. Speaker, I was just trying to illustrate the vulnerability of the Northwest Territories and our overdependence on Ottawa. My question to the Premier is, would the Premier acknowledge the fact that we are very, very dependent on Ottawa, we are very, very vulnerable to events nationally and internationally, and that if we don't start to become more self-sufficient and develop our own resources we're going to have major

problems here in the Northwest Territories. Thank you, Mr. Speaker.

**MR. SPEAKER:**

Was that a question or more of a comment? Madam Premier.

**HON. RICHARD NERYSOO:**

It was a ministerial statement.

Further Return To Question 126-12(7): GNWT Strategy Re Quebec Referendum

**HON. NELLIE COURNOYEA:**

Mr. Speaker, I fully agree with the statement...

---Laughter

...made by the Honourable Michael Ballantyne. Thank you.

**MR. SPEAKER:**

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

Question 127-12(7): Established Public Policies Re Procurement Procedures

**MRS. MARIE-JEWELL:**

Thank you, Mr. Speaker. I have a question for the Premier. Mr. Speaker, I would like to ask the Premier with regard to whether or not the government has established certain public policies. Mr. Speaker, we're all aware that the Dene/Metis Holdings is an aboriginal community-based organization in Fort Smith. It is 50 per cent owned by the Salt River First Nations, the Fitz Smith Native Development Corporation and by the Metis Nation, Local 50. The Dene/Metis's objective is basically to unite the Dene/Metis people of Fort Smith in the pursuit of common economic objectives. The opportunity of the maintenance facility was being one of the first of many future projects in the community which they have been pursuing jointly. I would like to ask the Premier, has the government formally established any public policies and related directives in its procurement procedures that recognize the socio-economic benefits of community-based organizations versus individually owned? Thank you.

**MR. SPEAKER:**

Madam Premier.

**HON. NELLIE COURNOYEA:**

Mr. Speaker, I will take that question as notice.

**MR. SPEAKER:**

The question is taken as notice. Item 6, oral questions. Mr. Whitford.

Question 128-12(7): Status Of GNWT Deficit

**MR. WHITFORD:**

Thank you, Mr. Speaker. I have a question I would like to address to the Minister of Finance. It deals with his budget speech of yesterday. I listened intently and I may have missed it somewhere along the way, but the question I want to direct to the Minister is that he is forecasting a deficit of some \$14 million for this fiscal year. I would like to ask the Minister, how much do we owe altogether? How much are we in debt, given the past years' deficits, health billings dispute and what have you? How much money do we owe to whoever?

**MR. SPEAKER:**

Minister of Finance, Mr. Pollard.

Return To Question 128-12(7): Status Of GNWT Deficit

**HON. JOHN POLLARD:**

Mr. Speaker, at the end of this fiscal year, I'm projecting that we will owe or we will be in the deficit position of \$23.3 million. At the end of 1995-96, the projection is \$38.3 million. Mr. Speaker, if people are wondering why there's a \$1 million difference between the deficit I announced yesterday and the numbers I've just given it's because \$1 million is allocated to loan funds. Thank you, Mr. Speaker.

**MR. SPEAKER:**

Thank you. Supplementary, Mr. Whitford.

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Supplementary To Question 128-12(7): Status Of GNWT Deficit

**MR. WHITFORD:**

Thank you, Mr. Speaker. I thought last year we were sort of short because of this health billings dispute. Has this been resolved to the point now that we no longer are owed that kind of money? The total debt, if you were to take a cheque for \$38 million it would make us...To simplify it best, \$38 million...Is that the bottom line?

**MR. SPEAKER:**

Mr. Pollard.

Further Return To Question 128-12(7): Status Of GNWT Deficit

**HON. JOHN POLLARD:**

Mr. Speaker, at the end of 1995-96, we're forecasting \$38.3 million of deficit. Mr. Speaker, with regard to the health billings dispute, we've allowed for certain write-downs in our books. The outcome of this afternoon's negotiation which is, I believe, taking place now with regard to the health billings dispute will tell us whether we have to make any further write-downs, Mr. Speaker. Thank you.

**MR. SPEAKER:**

Item 6, oral questions. Mr. Pudlat.

Question 129-12(7): Criteria For HAP Housing

**MR. PUDLAT:**

(Translation) Thank you, Mr. Speaker. My question is directed to the Minister of the Housing Corporation. As you are aware, people are gradually obtaining their own forms of housing. People seem to have very strict rules that they have to follow in order to obtain housing, such as home ownership and HAP. This is dependent upon their housing needs, of course, but they seem to have very rigid rules that have to be followed. What does the act say itself, when it comes to home ownership? Is there some freedom on the part of the clients who want to apply for housing? What is the criteria to have applications approved for HAP housing? Thank you, Mr. Speaker.

**MR. SPEAKER:**

Minister of Housing, Mr. Morin.

Return To Question 129-12(7): Criteria For HAP Housing

**HON. DON MORIN:**

Thank you, Mr. Speaker. Under the new Housing Corporation programs, there are many programs that people can access for home ownership units. If people are of lower income and are elderly, they can access alternate units, and other people with medium income can access units that are the three-bedroom, four-bedroom, five-bedroom units for bigger families. There is also the down payment assistance program, as well as a forgivable loan program and the direct lending program. There is also a program called bridge financing, where we can lend them the money until they secure their financing from banks. So there are all types of programs that people can access. If any of your constituents are having any problem accessing home ownership programs, if you can tell me about it I will be pleased to assist them. Thank you.

**MR. SPEAKER:**

Thank you. Supplementary, Mr. Pudlat.

Supplementary To Question 129-12(7): Criteria For HAP Housing

**MR. PUDLAT:**

(Translation) Thank you, Mr. Speaker. I am aware that in my constituency my people have not had any freedom of choice to select the kind of housing that they want. There were some people who were allowed to get a three-bedroom house and the reason I am asking that is I was wondering if they are all allowed to get the same kind of housing of their choice. Do they have the freedom to select how many rooms and all the other details? Is it up to the clients to decide what kind of housing is best suited for them? Thank you, Mr. Speaker.

**MR. SPEAKER:**

Mr. Morin.

Further Return To Question 129-12(7): Criteria For HAP Housing

**HON. DON MORIN:**

Thank you, Mr. Speaker. The process is once a client does apply for a unit, staff from the Housing Corporation, project officers, will meet with that client to counsel that client. For example, if a client has two teenage children and one small child, then they will be eligible for a three-bedroom unit. But if a client has six children, then they will be eligible for a bigger unit. So it is all based on the client themselves. So, in

some cases, we are building up to five-bedroom units and, in some cases, as small as two.

But we have changed the Housing Corporation program since we got elected. There used to be approximately 30 different designs you could choose from, we got rid of all of those and we made three basic designs: a two-bedroom unit, a three-bedroom unit and a four-bedroom unit. But all of those designs can be expanded on; for example, if you had two children and you moved into a two-bedroom unit and your family got bigger, then you could add two more bedrooms on or one more bedroom very easily, at a later date, and a partition could come out to make the living area bigger. If a client did not want, for example, the screw jack system for a foundation, there would be a dollar amount in his budget. So if he is allowed \$4,000 for a foundation system and he wanted to put a basement instead, that would be allowable as long as he picked up the extra dollars.

Also what we made very clear is because we have restricted the designs now to a minimum of three, clients can also choose to build their own designs, as long as it is CMHC approved and it falls within their need. In that way, clients have a lot of ability to do what they want with that unit. But it has to be brought in for the same amount of money and it has to be brought in on time, the construction time. Thank you.

**MR. SPEAKER:**

Thank you. Question period is now over. Item 7, written questions. Mrs. Marie-Jewell.

ITEM 7: WRITTEN QUESTIONS

Written Question 8-12(7): Community-Based Organizations

**MRS. MARIE-JEWELL:**

Thank you, Mr. Speaker. I have two written questions for the Premier.

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1. Would the Premier advise this House whether or not there are any universal government definitions on what constitutes a community-based organization?
2. Are there any processes in place for a community to sanction the establishment and/or existence of community-based organizations? Thank you.



**MR. SPEAKER:**

Thank you. Item 7, written questions. Item 8, returns to written questions. Mr. Clerk.

**ITEM 8: RETURNS TO WRITTEN QUESTIONS**

Return To Written Question 4-12(7): Nursing Training

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

Mr. Speaker, Return to Written Question 4-12(7), asked by Mr. Patterson to the Minister of Education, Culture and Employment concerning nursing training.

There are two components to the nursing program offered by College West in Yellowknife, a nursing access year and the nursing diploma program. Currently, there are 32 students registered in the access year, of which 31 are from the Northwest Territories and one from the Yukon territory. There are 25 students registered in the nursing diploma program. All of them are from the Northwest Territories.

A total of 10 students from the Nunavut regions are registered in this program. Five are registered in the access year, two each from Baffin and Keewatin and one from the Kitikmeot region. Another five students are registered in the nursing diploma program. Again, two each are from Baffin and Keewatin and one from the Kitikmeot region.

The existing nursing diploma program is available to all residents of the Northwest Territories. There are no plans at this time to offer the program in the Nunavut regions.

**MR. SPEAKER:**

Item 9, replies to opening address. Item 10, replies to budget address. Item 11, petitions. Item 12, reports of standing and special committees. Item 13, reports of committees on the review of bills. Item 14, tabling of documents. Item 15, notices of motion. Item 16, notices of motions for first reading of bills. Item 17, motions. Item 18, first reading of bills. Item 19, second reading of bills. Item 20, consideration in committee of the whole of bills and other matters: Bill 1, Appropriation Act, No. 2, 1995-96; 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; Committee Report 2-12(7), Report on the Legislative Action Paper on the Office of Ombudsman for the Northwest Territories; and, Committee Report 3-12(7), Report on the Review of the Legislative Action Paper Proposing New Heritage Legislation for the Northwest Territories, with Mr. Lewis in the chair.

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

**CHAIRMAN (Mr. Lewis):**

I would like to call the committee to order. What would the committee like to do today? Mr. Dent.

**MR. DENT:**

Mr. Chairman, I would like to recommend that we consider bills in the following order: Bill 4; Bill 11; Bill 12; Bill 10; and, who knows, if we are really moving, we may get a start on Bill 8.

**CHAIRMAN (Mr. Lewis):**

Okay, that is the proposed order then. Does the committee agree with that proposal?

**SOME HON. MEMBERS:**

Agreed.

---Agreed

Bill 4: An Act To Amend The Limitation Of Actions Act

**CHAIRMAN (Mr. Lewis):**

We are on Bill 4, as agreed, An Act to Amend the Limitation of Actions Act. All right, who is introducing this bill? Mr. Kakfwi.

Minister's Introductory Remarks

**HON. STEPHEN KAKFWI:**

Thank you, Mr. Chairman. The purpose of the Act to Amend the Limitation of Actions Act is to address a shortcoming in the legislation with respect to limitation periods imposed on actions arising out of sexual assaults. The Limitation of Actions Act sets out the time period in which civil suits must be commenced. Law suits for assault, including sexual assault, must be brought within two years of the incident. Sexual assaults are unlike other wrongs for which a civil suit

may be undertaken. In the case of sexual assaults, it has been shown that victims are often so traumatized that they are unable or unwilling to consider bringing a law suit for damages against an assailant for years after the events, if ever. Victims often cope with a sexual assault by disassociating themselves psychologically and emotionally from the event. When the victim has finally overcome this impediment, the two-year limitation period acts to prevent legal action. In this manner, a sexual offender is more likely to avoid civil consequences for the assault where the victim is most severely traumatized. It is not in the public interest to extend immunity from liability to sexual offenders.

Mr. Chairman, these amendments address this problem by proposing that the running of the limitation period be delayed until the victim was capable of commencing the proceedings. A presumption would be set out in the amendment that the victim was incapable of commencing proceedings earlier than the time they were commenced.

In cases where the perpetrator of the assault was in a position of trust or authority in relation to the victim, or where the victim was dependent on the assaulter, sexual assaults are likely to be even more traumatic than otherwise. The assault almost always causes various psychological and emotional harms to the victim, the damage, for the most part, being hidden and often debilitating. When the damage begins to become apparent, the connection between the assault and the present psychological injuries is often unknown to the victim. For these cases, the amendment would propose that the limitation period

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be removed altogether. A determination of whether a victim was in a relationship of dependence or trust would be made by the court.

Mr. Chairman, the proposed amendments are consistent with the recommendation of the special advisor on gender equality in her report The Justice House, May 1991, and are part of the government's ongoing commitment to address issues of violence in our society.

Mr. Chairman, I am now ready to proceed with the review of this bill.

**CHAIRMAN (Mr. Lewis):**

Thank you, Mr. Kakfwi. Now we will hear the report from the Standing Committee on Legislation. Mr. Whitford.

Standing Committee On Legislation Comments

**MR. WHITFORD:**

Thank you, Mr. Chairman. Mr. Chairman, I am pleased to present this report on behalf of the Standing Committee on Legislation. The Standing Committee on Legislation has completed its review of Bill 4, An Act to Amend the Limitation of Actions Act.

Bill 4 amends the Limitation of Actions Act by adding a new section to the legislation that deals with acts of injury of a sexual nature. The bill proposes to eliminate the limitation period for civil proceedings in actions based on injury of a sexual nature if a relationship of trust existed between the parties.

Bill 4 would also amend the legislation to allow that, in those cases where an injury is caused by a sexual act, but where no prior intimate, dependent, or trust relationship has been established, the limitation period will not begin until the victim is capable of bringing about the action.

Lastly, Bill 4 proposes to amend the Limitation of Actions Act to provide that the law of the territories shall overrule the limitations governing other jurisdictions if the action is commenced in the NWT and the court is satisfied that the laws of the other jurisdiction are not applicable.

The committee supports the amendments proposed in Bill 4 to extend or eliminate the limitation period for civil action in cases where the actions arise out of sexual assaults. The committee agrees that in cases where a victim is severely traumatized, the sexual offender, under the current two-year limitation period, is more likely to avoid civil consequences. The proposed amendments would permit adequate time for the victim to be reasonably capable of discovering the causal relationship between the injuries and the abuse and, therefore, sue the offender for the wrongdoing.

On January 10, 1995, the standing committee passed a motion that Bill 4, An Act to Amend the Limitation of Actions Act, be referred to the Legislative Assembly as ready for consideration in committee of the whole. This concludes the Standing Committee on Legislation's report on Bill 4, An Act to Amend the Limitation of Actions Act, Mr. Chairman. Thank you.

**CHAIRMAN (Mr. Lewis):**

Thank you, Mr. Whitford. Mr. Kakfwi would you like to proceed with review of his bill? Would you like to do it from your seat, Mr. Kakfwi, or will you need help?

**HON. STEPHEN KAKFWI:**

I am awaiting the arrival of officials. We need a few minutes.

**CHAIRMAN (Mr. Lewis):**

Okay, we will take a short break then, and I mean "short." Thank you.

---SHORT RECESS

**CHAIRMAN (Mr. Lewis):**

I will call the House back to order. Is it the wish of the committee to call in the witnesses?

**SOME HON. MEMBERS:**

Agreed.

---Agreed

**CHAIRMAN (Mr. Lewis):**

There being no objection, Mr. Sergeant-at-Arms, would you show the witnesses where they have to sit please?

Thank you, Sergeant-at-Arms. We have the Minister, Mr. Kakfwi, with us and his witnesses. Would you like to introduce your witnesses for the record, Mr. Kakfwi?

**HON. STEPHEN KAKFWI:**

I have with me on my right, Mr. Gerald Sutton, director of policy for the Department of Justice; and, Mrs. Carol Whitehouse, legislative counsel for the Department of Justice. Thank you.

**CHAIRMAN (Mr. Lewis):**

Thank you, Mr. Kakfwi. General comments. Do Members have any general comments on this bill? Would you like to proceed to detail then? Mr. Whitford.

General Comments

**MR. WHITFORD:**

Mr. Chairman, I think we have perhaps good support for this legislation. I think there were some concerns expressed, although it is good and is for good reasons, about how long this can go. We've removed the two-year limitation. Just for the record, I would just like to ask the Minister, is this endless? Can it go for 40, 50 or 60 years? Something like this is happening with actions against war crimes. It is a very serious thing and not to be played down, but does this mean there is no twilight section in here, where it fades out after a period?

**CHAIRMAN (Mr. Lewis):**

Mr. Kakfwi.

**HON. STEPHEN KAKFWI:**

Mrs. Whitehouse will answer the question.

**MRS. WHITEHOUSE:**

Thank you, Mr. Chairman. The presumption is correct. The limitation period regarding persons who have had an intimate relationship does not exist and the limitation period for persons in an other-than-intimate relationship would commence once the victim was capable of starting that action and that could also run as long as that person is not capable. So, there is no end to the potential length of time that would take for an action to be started.

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**CHAIRMAN (Mr. Lewis):**

Thank you very much, Mrs. Whitehouse. Is that satisfactory, Mr. Whitford? Mr. Whitford.

**MR. WHITFORD:**

Thank you, Mr. Chairman. I just want to clarify again for the record that intimate relationships could mean a parent, as well as a school teacher or guardian, where there is some direct connection other than just an acquaintance. Am I correct?

**CHAIRMAN (Mr. Lewis):**

Mrs. Whitehouse.

**MRS. WHITEHOUSE:**

Thank you, Mr. Chairman. Yes, the category of person involved in that limitation period are those in an intimate relationship, a relationship of trust and

someone upon whom the person was dependent, so all of the people who fall in those categories.

**CHAIRMAN (Mr. Lewis):**

Thank you, Mrs. Whitehouse. Have you concluded Mr. Whitford? Okay, we've concluded general comments then. Are we ready to go clause by clause? Mr. Antoine.

**MR. ANTOINE:**

Thank you, Mr. Chairman. People in my constituency were confused about this bill, Bill 4, An Act to Amend the Limitation of Actions Act. Somehow, they were mixed up with criminal lawsuits and civil lawsuits. Somehow the message that came out to the public had to do with criminal lawsuits rather than civil, so there is a lot of misunderstanding about this act. I had this thing cleared up and discussed it with my constituents. My final analysis of this bill, from my constituents' point of view, is that it is a good bill and I will be supporting it as it goes through today. Mahsi.

**CHAIRMAN (Mr. Lewis):**

Thank you very much, Mr. Antoine, for your comments. Are we ready to go clause by clause?

**SOME HON. MEMBERS:**

Agreed.

---Agreed

Clause By Clause

**CHAIRMAN (Mr. Lewis):**

Bill 4, An Act to Amend the Limitation of Actions Act. 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):**

The bill as a whole.

**SOME HON. MEMBERS:**

Agreed.

---Agreed

**CHAIRMAN (Mr. Lewis):**

Does the committee agree that Bill 4, An Act to Amend the Limitation of Actions Act, is ready for third reading?

**SOME HON. MEMBERS:**

Agreed.

---Agreed

**CHAIRMAN (Mr. Lewis):**

Bill 4 is now ready for third reading. I would like to thank you, Mr. Kakfwi, very much for introducing this bill and also for the assistance of your witnesses.

Bill 11: An Act To Amend The Income Tax Act

We're on to Bill 11 now. I believe this bill is being sponsored by Mr. Pollard. Bill 11, An Act to Amend the Income Tax Act. Maybe, Mr. Pollard, you would like to introduce the bill.

Minister's Introductory Remarks

**HON. JOHN POLLARD:**

Thank you, Mr. Chairman. Mr. Chairman, the purpose of the amendment I am introducing to the Income Tax Act is to make a number of minor changes to keep the NWT Income Tax Act consistent with the federal Income Tax Act. These changes will not change the amount of tax a taxpayer has to pay. They will change some of the procedures used in assessments and appeals and will change some of

the penalties and interest provisions of the act. Our tax collection agreement with the federal government requires that we make such changes to maintain consistency between federal and territorial legislation. Thank you, Mr. Chairman.

**CHAIRMAN (Mr. Lewis):**

Thank you, Mr. Pollard. The Standing Committee on Legislation has reviewed the bill. Is there a report? Mr. Whitford.

Standing Committee On Legislation Comments

**MR. WHITFORD:**

Thank you, Mr. Chairman. I am pleased, on behalf of the Standing Committee on Legislation, to present the report on Bill 11, An Act to Amend the Income Tax Act. The Standing Committee on Legislation has completed its review of Bill 11, An Act to Amend the Income Tax Act, and is ready to report its findings to the House. Bill 11 is a consequential amendment to the Income Tax Act of Canada. It follows from the passage on April 19, 1994, in the House of Commons, of Bill C-9, An Act to Amend the Income Tax Act (Canada).

The Government of the Northwest Territories is obligated to amend its legislation, as proposed in Bill 11, under the Tax Collection Agreement between the Government of Canada and the Government of the Northwest Territories. The purpose of Bill 11 is to harmonize the taxation of income between the Government of Canada and the Government of the Northwest Territories including the legislation, administration and compliance.

Bill 11 refers directly, in a number of instances, to the federal act. By doing this, the NWT will no longer be required to amend certain sections of the NWT act each time the corresponding federal section is amended. Bill 11 proposes to amend the Income

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Tax Act of the Northwest Territories in the following ways:

-The bill deletes references to the comptroller general who no longer performs duties under the Income Tax Act;

-Bill 11 adds a reference to the federal act regarding the application of compound interest;

-The bill also adds a reference to the federal act which defines "normal reassessment" period;

-Bill 11 incorporates changes to the federal legislation relating to the definition of "balance-due day;"

-Bill 11 outlines penalties to be applied to individuals who fail to file a tax return, fail to provide information on the tax form, or fail to comply with regulations;

-The bill also adds references to the federal act regarding objections to assessment and appeals to the Tax Court of Canada; and,

-Bill 11 broadens and clarifies certain provisions respecting enforcement.

The amendments proposed in Bill 11 are generally administrative in nature. They do not change the legislation in a substantial way. Rather, they propose to change the manner in which already existing functions are to be administered.

The Standing Committee on Legislation supports the amendments put forward in Bill 11. On Monday, January 9, 1994, committee Members voted to refer the bill to committee of the whole for deliberation. That concludes the report, Mr. Chairman. Thank you.

**CHAIRMAN (Mr. Lewis):**

Mr. Pollard, would you like to deal with the bill from your seat, or would you like to call in some help?

**HON. JOHN POLLARD:**

I would like to bring witnesses in, Mr. Chairman, if I might.

**CHAIRMAN (Mr. Lewis):**

The Minister would like to bring in some witnesses. Does the committee agree?

**SOME HON. MEMBERS:**

Agreed.

---Agreed

**CHAIRMAN (Mr. Lewis):**

Sergeant-at-Arms, maybe you can help the witnesses to the table.

Mr. Pollard, before we get to general comments, maybe you would like to introduce the people you have with you today.

**HON. JOHN POLLARD:**

Thank you, Mr. Chairman. Mr. Chairman, I have Diane Buckland who is legislative counsel, legislative division, Department of Justice, GNWT; Mr. Eric Nielsen, the deputy minister of Finance; and, Mr. John Monroe, manager of taxation, fiscal policy, Government of the Northwest Territories Department of Finance. Thank you, Mr. Chairman.

**CHAIRMAN (Mr. Lewis):**

Thanks very much, Mr. Pollard. Any general comments on the bills that you have in front of you? One more time, any general comments?

**AN HON. MEMBER:**

Clause by clause.

**CHAIRMAN (Mr. Lewis):**

Do we all agree to go clause by clause?

**SOME HON. MEMBERS:**

Agreed.

---Agreed

Clause By Clause

**MR. LEWIS:**

This is Bill 11, An Act to Amend the Income Tax Act. 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.

**SOME HON. MEMBERS:**

Agreed.

---Agreed

**CHAIRMAN (Mr. Lewis):**

Clause 5.

**SOME HON. MEMBERS:**

Agreed.

---Agreed

**CHAIRMAN (Mr. Lewis):**

Clause 6.

**SOME HON. MEMBERS:**

Agreed.

---Agreed

**CHAIRMAN (Mr. Lewis):**

Clause 7.

**SOME HON. MEMBERS:**

Agreed.

---Agreed

**CHAIRMAN (Mr. Lewis):**

Clause 8.

**SOME HON. MEMBERS:**

Agreed.

---Agreed

**CHAIRMAN (Mr. Lewis):**

Clause 9.

**SOME HON. MEMBERS:**

Agreed.

---Agreed

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**CHAIRMAN (Mr. Lewis): Clause 10.**

**SOME HON. MEMBERS:**

Agreed.

---Agreed

**CHAIRMAN (Mr. Lewis):**

Clause 11.

**SOME HON. MEMBERS:**

Agreed.

---Agreed

**CHAIRMAN (Mr. Lewis):**

Clause 12.

**SOME HON. MEMBERS:**

Agreed.

---Agreed

**CHAIRMAN (Mr. Lewis):**

Clause 13.

**SOME HON. MEMBERS:**

Agreed.

---Agreed

**CHAIRMAN (Mr. Lewis):**

Clause 14.

**SOME HON. MEMBERS:**

Agreed.

---Agreed

**CHAIRMAN (Mr. Lewis):**

Clause 15.

**SOME HON. MEMBERS:**

Agreed.

---Agreed

**CHAIRMAN (Mr. Lewis):**

Clause 16.

**SOME HON. MEMBERS:**

Agreed.

---Agreed

**CHAIRMAN (Mr. Lewis):**

Clause 17.

**SOME HON. MEMBERS:**

Agreed.

---Agreed

**CHAIRMAN (Mr. Lewis):**

Clause 18.

**SOME HON. MEMBERS:**

Agreed.

---Agreed

**CHAIRMAN (Mr. Lewis):**

Clause 19.

**SOME HON. MEMBERS:**

Agreed.

---Agreed

**CHAIRMAN (Mr. Lewis):**

Clause 20.

**SOME HON. MEMBERS:**

Agreed.

---Agreed

**CHAIRMAN (Mr. Lewis):**

Clause 21.

**SOME HON. MEMBERS:**

Agreed.

---Agreed

**CHAIRMAN (Mr. Lewis):**

Clause 22.

**SOME HON. MEMBERS:**

Agreed.

---Agreed

**CHAIRMAN (Mr. Lewis):**

Clause 23.

**SOME HON. MEMBERS:**

Agreed.

---Agreed

**CHAIRMAN (Mr. Lewis):**

Clause 24.

**SOME HON. MEMBERS:**

Agreed.

---Agreed

**CHAIRMAN (Mr. Lewis):**

Clause 25.

**SOME HON. MEMBERS:**

Agreed.

---Agreed

**CHAIRMAN (Mr. Lewis):**

Bill as a whole.

**SOME HON. MEMBERS:**

Agreed.

---Agreed

**CHAIRMAN (Mr. Lewis):**

Does the committee agree that Bill 11 is ready for third reading?

**SOME HON. MEMBERS:**

Agreed.

---Agreed

**CHAIRMAN (Mr. Lewis):**

Bill 11 is now ready for third reading. Thank you, Mr. Pollard, and the witnesses.

Bill 12: An Act To Amend The Judicature Act, No. 2

We will now go to Bill 12, An Act to Amend the Judicature Act, No. 2. Who will be sponsoring this bill? Mr. Kakfwi.

Minister's Introductory Remarks

**HON. STEPHEN KAKFWI:**

Thank you, Mr. Chairman. This is An Act to Amend the Judicature Act, No. 2.

The proposed amendment clarifies that the rules of the Supreme Court of the Northwest Territories govern proceedings before the court by repealing the reference to the rules of the Alberta Supreme Court. Since the Northwest Territories Rules of Court have been in use for many years, there is no need to refer to the rules of the Supreme Court of Alberta.

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Additionally, this proposed amendment transfers to the Commissioner from the Supreme Court, the power to make regulations setting tariffs of fees and expenses in civil and criminal matters.

Finally, this proposed amendment establishes the office of Chief Justice of the Supreme Court of the Northwest Territories. Currently, there is a senior justice who manages the court. The Judicature Act provides that the court is composed of four judges, deputy judges and supernumerary judges. The size of the court justifies the need for a Chief Justice. Those are my opening remarks.

**CHAIRMAN (Mr. Lewis):**

Thank you very much, Mr. Kakfwi. The Standing Committee on Legislation has reviewed the bill. Mr. Whitford.



## Standing Committee On Legislations Comments

### **MR. WHITFORD:**

Thank you, Mr. Chairman. I am pleased to report, on behalf of the Standing Committee on Legislation, on Bill 12, An Act to Amend the Judicature Act, No. 2.

The Standing Committee on Legislation has had the opportunity to complete its review of Bill 12, An Act to Amend the Judicature Act, No. 2, and the committee is ready to report its findings to the House.

Bill 12 proposes to amend the Judicature Act of the NWT in four ways:

1. creating the office of the Chief Justice of the Supreme Court;
2. move the fixing of tariffs of fees and expenses into regulations;
3. removing references to the rules of the Alberta Supreme Court; and,
4. eliminating fees paid to jury panels and non-expert witnesses.

The amendments proposed in Bill 12 are generally administrative in nature. They would not change the legislation in a substantial way, they would change the manner in which pre-existing functions are administered.

The standing committee supports the creation of the office of the Chief Justice of the Supreme Court, as well as the moving of the fixing of tariffs of fees and expenses into regulations. The creation of the office of the Supreme Court Chief Justice would formally recognize the responsibilities currently being provided by the senior judge of the Supreme Court and the fixing of tariffs of fees and expenses in regulation to allow for the revisions of fees in a timely manner.

The standing committee, however, did have many reservations regarding the elimination of fees for jury panels and non-expert witnesses. The Minister explained that this amendment was introduced as a cost-saving measure. It was estimated that \$150,000 could be saved by the government by eliminating these fees. Members of the standing committee felt that although the fee paid to jury panels and non-expert witnesses may be a token amount, it could prove a hardship on the public and therefore was not in the public interest.

Therefore, on December 13, 1994, the committee voted down clause 5 of Bill 12 with the concurrence of the Minister and the bill was referred to committee of the whole for deliberation as reprinted. That's the report of the Standing Committee on Legislation, Mr. Chairman. Thank you.

### **CHAIRMAN (Mr. Lewis):**

Thank you, Mr. Whitford. We are dealing with Bill 12, a reprint of An Act to Amend the Judicature Act, No. 2. Mr. Kakfwi, would you like to deal with the bill from your seat or would you like to have your witnesses?

### **HON. STEPHEN KAKFWI:**

Witnesses.

### **CHAIRMAN (Mr. Lewis):**

Does the committee agree that Mr. Kakfwi can have his witnesses in the Chamber?

### **SOME HON. MEMBERS:**

Agreed.

---Agreed

### **CHAIRMAN (Mr. Lewis):**

Sergeant-at-Arms, would you help him, please.

Thank you, colleagues. Mr. Kakfwi, perhaps you can introduce the people who you have with you today.

### **HON. STEPHEN KAKFWI:**

On my left, Carol Whitehouse, legislative counsel, Department of Justice; on my right, Nancy Robert, coordinator of court services, Department of Justice.

### **CHAIRMAN (Mr. Lewis):**

Thanks very much, Mr. Kakfwi. General comments by Members on this bill. Clause by clause. Do you agree? Mr. Antoine, general comments?

General Comments

### **MR. ANTOINE:**

On Bill 12, An Act to Amend the Judicature Act, No. 2, there's the old section that was amended where section 60 was proposed to be changed and amended. In this one it says "The judges may, with the approval of the Commissioner, fix tariffs of fees

and costs in civil matters and fees and expenses of witnesses and interpreters in criminal matters." That was taken out, it was amended. It was taken out of section 60, I believe, and a new clause has been added, clause 6. Section 84 now reads, "The Commissioner, on the recommendation of the Minister, may make regulations fixing tariffs of fees and expenses in civil and criminal matters."

I'm not on the Standing Committee on Legislation so I don't know the real detail of discussion that may have taken place with the Minister and his staff. Maybe if the Minister could clear that up for me: what is the intention of the bill in this area?

**CHAIRMAN (Mr. Lewis):**

Thanks, Mr. Antoine. Mr. Kakfwi.

**HON. STEPHEN KAKFWI:**

Mr. Chairman, the intent here is that it should be the government that sets the rates for tariffs and payment of fees, and not the courts. The courts should and are primarily interested in the process of the courts and delivering justice, as such, and have no primary interest in ensuring that they deal with issues like this. It's a revenue issue for this government, so that is the reason we make the suggestion we take it away from the courts and put it in the hands of the Commissioner; the Commissioner being the

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government. As it states in legislation, "Commissioner" basically means the Cabinet makes the decisions by the Minister and forwards it to the Commissioner for approval.

**CHAIRMAN (Mr. Lewis):**

Thank you, Mr. Kakfwi. Mr. Antoine.

**MR. ANTOINE:**

I take it that presently the courts are...In the current version it says, "The judges may, with the approval of the Commissioner..." Here the judge is going through the Commissioner, as well, and they're fixing tariffs of fees and costs of civil matters and fees and expenses of witnesses and interpreters in criminal matters. What the Minister is saying is that the Commissioner, which is government, with the Minister would set these fees and costs. But it's already in there where they have to get the approval of the Commissioner. But the new regulation is that the judge doesn't have

to seek the...That's taken away from the responsibility of the judge to seek approval to fix tariffs, rather than the Commissioner with the recommendation of the Minister, may make regulation fixing the tariffs of fees and expenses in civil and criminal matters, which I believe is what the Minister is saying.

In terms of the fees and expenses of the witnesses and interpreters, it's not specifically stated in section 84. I would like to ask the Minister why isn't it stated in section 84. Is the intention of his department to eliminate fixing tariffs for fees and expenses of witnesses and interpreters? Is that the intention of this bill? Thank you.

**CHAIRMAN (Mr. Lewis):**

Mr. Kakfwi.

**HON. STEPHEN KAKFWI:**

The expenses of witnesses and those people called and required by the courts would continue. We haven't made any suggestions here to change that.

**CHAIRMAN (Mr. Lewis):**

Any other general comments?

**AN HON. MEMBER:**

Clause by clause.

**CHAIRMAN (Mr. Lewis):**

Are we all agreed that 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.

**SOME HON. MEMBERS:**

Agreed.

---Agreed

**CHAIRMAN (Mr. Lewis):**

Clause 5.

**SOME HON. MEMBERS:**

Agreed.

---Agreed

**CHAIRMAN (Mr. Lewis):**

I believe we have some motions to amend and we need people to deal with motions.

We'll go on then. Clause 6. Mr. Kakfwi, you have a motion, I believe.

Committee Motion 23-12(7): To Amend Clause 6 Of Bill 12, Carried

**HON. STEPHEN KAKFWI:**

Yes, Mr. Chairman. I move that clause 6 of Bill 12 be amended by:

(a) renumbering it as clause 5;

(b) striking out "section 83" and by substituting "section 82"; and,

(c) renumbering proposed section 84 as section 83.

**CHAIRMAN (Mr. Lewis):**

Mr. Kakfwi, your motion to amend clause 6 of Bill 12 is in order. To the motion.

**AN HON. MEMBER:**

Question.

**CHAIRMAN (Mr. Lewis):**

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

---Carried

The next clause is clause 7. Before we go to clause 7, have we all agreed to clause 6, as amended?

**SOME HON. MEMBERS:**

Agreed.

---Agreed

**CHAIRMAN (Mr. Lewis):**

Clause 7. Mr. Kakfwi.

Committee Motion 24-12(7): To Amend Clause 7 Of Bill 12, Carried

**HON. STEPHEN KAKFWI:**

Mr. Chairman, I move that clause 7 of Bill 12 be renumbered as clause 6.

**CHAIRMAN (Mr. Lewis):**

Thank you, Mr. Kakfwi. The motion is in order. To the motion.

**AN HON. MEMBER:**

Question.

**CHAIRMAN (Mr. Lewis):**

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

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---Carried

Clause 7, as amended.

**SOME HON. MEMBERS:**

Agreed.

---Agreed

**CHAIRMAN (Mr. Lewis):**

The bill as a whole.

**SOME HON. MEMBERS:**

Agreed.

---Agreed

**CHAIRMAN (Mr. Lewis):**

Does the committee agree that Bill 12 is ready for third reading, as amended?

**SOME HON. MEMBERS:**

Agreed.

---Agreed

**CHAIRMAN (Mr. Lewis):**

Bill 12 is now ready for third reading, as amended. Thank you, Mr. Kakfwi and thank you for your witnesses. Mr. Whitford.

**MR. WHITFORD:**

May we take a short break?

**CHAIRMAN (Mr. Lewis):**

We'll take another break.

---SHORT RECESS

Bill 10: An Act To Amend The Liquor Act

**CHAIRMAN (Mr. Lewis):**

This is a reprint; An Act to Amend the Liquor Act. Is the Minister sponsoring this bill in the House? Mr. Nerysoo.

Minister's Introductory Remarks

**HON. RICHARD NERYSOO:**

Thank you, Mr. Chairman. I am pleased to introduce Bill 10, An Act to Amend the Liquor Act.

This bill would allow the Minister to appoint by-law officers serving in liquor prohibited communities as

special by-law officers with the authority to search for and to seize liquor in vehicles.

The bill also includes new provisions that specifically allow peace officers, as well as special by-law officers, to stop vehicles for the purposes of searching them.

Mr. Chairman, it should be made clear that these special by-law officers would only be appointed from the group of by-law officers who are already in place within a municipality. Such appointments would be made only in communities where the population has voted to establish liquor prohibition.

It is anticipated that these new provisions will be helpful for dry communities where there is no RCMP presence. They are aimed at empowering communities with options that can be used to take on increasing levels of responsibility for liquor regulation, if that is what the community chooses to do.

Mr. Chairman, in this respect, these amendments are very much in keeping with the recommendations in the Final Report of the Special Committee on Health and Social Services that called for better local measures for combatting the flow of illegal alcohol into our communities.

They are also consistent with comments the department has received over the course of its comprehensive liquor law review, Mr. Chairman. Many groups and individuals who took part in this initiative were clear that this government should be moving now to provide communities with authority over mechanisms that control liquor at the local level.

Mr. Chairman, this government recognizes that effective enforcement is an important component to strong regulatory systems. Through this amendment, and through subsequent changes that will be forthcoming when the liquor law review is complete, we hope to move toward a better working and more locally-accountable liquor control system in the Northwest Territories. Thank you, Mr. Chairman.

**CHAIRMAN (Mr. Lewis):**

Thank you, Mr. Nerysoo. The Standing Committee on Legislation has reviewed the bill. Mr. Whitford.

Standing Committee On Legislation Comments

**MR. WHITFORD:**

Thank you, Mr. Chairman. I am pleased, on behalf of the Standing Committee on Legislation, to report on Bill 10, An Act to Amend the Liquor Act.

Mr. Chairman, Bill 10, An Act to Amend the Liquor Act, proposes to change the act to provide that the Minister may appoint by-law officers in municipalities where liquor is prohibited to be special by-law officers for the purposes of:

-entering and searching any vehicle for unlawful liquor;

-seizing any unlawful liquor found in a vehicle; and,

-directing a driver to stop his vehicle and park it for the purpose of a search for unlawful liquor.

It is important to note that the amendments specify that the officer must have reasonable grounds to believe that liquor is being kept or had in any vehicle, prior to stopping or searching it.

The standing committee held public hearings on this bill in Yellowknife on December 12, 1994. Although there were no presentations from the public, in responding to the Member's concerns, the Minister assured the committee that these amendments have come about at the request of various prohibited communities who have experienced difficulties in controlling the flow of liquor. In addition, the Minister explained that officers appointed as special by-law officers would undergo the necessary training, assessment and certification prior to undertaking these duties.

The committee passed a motion to amend the definition of municipalities in the bill to include charter communities.

Mr. Chairman, the Standing Committee on Legislation supports these amendments and passed a motion that Bill 10, An Act to Amend the Liquor Act, be reported to the Assembly as ready for consideration

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in committee of the whole, as amended and reprinted. Thank you, Mr. Chairman.

**CHAIRMAN (Mr. Lewis):**

Thank you, Mr. Whitford. Mr. Nerysoo, for the review of your bill do you want to remain in your seat or do you want to bring in witnesses?

**HON. RICHARD NERYSOO:**

If I could, Mr. Chairman, seek the support of my colleagues to bring in witnesses.

**CHAIRMAN (Mr. Lewis):**

Agreed?

**SOME HON. MEMBERS:**

Agreed.

---Agreed

**CHAIRMAN (Mr. Lewis):**

Sergeant-at-Arms, maybe you could bring in the witnesses, please.

Thank you. Mr. Nerysoo, for the record, would you like to introduce your witnesses to us, please.

**HON. RICHARD NERYSOO:**

Thank you, if I could, Mr. Chairman. On my right is the deputy minister, Mr. John Quirke. On my left is the legal counsel, Mr. Shawn Flynn.

**CHAIRMAN (Mr. Lewis):**

Thank you, Mr. Nerysoo. Members, general comments on Bill 10, An Act to Amend the Liquor Act. Mr. Zoe.

General Comments

**MR. ZOE:**

Thank you, Mr. Chairman. I'm in favour of these types of amendments, particularly to appoint a by-law officer in municipalities where liquor is prohibited. But in the Minister's opening remarks, he indicated that the Minister may appoint by-law officers which are currently in place at the municipalities. And in the chairman's remarks for our Legislation committee, he indicated that only the Minister may appoint by-law officers in municipalities. So I am getting two different signals from the chairman of Legislation and also from the Minister responsible for the bill.

In his remarks, he indicated that this bill would allow the Minister to appoint by-law officers serving in a liquor-prohibited community, special by-law officers, with authority to search, seize, et cetera, and he points out that these special by-law officers would only -- and I emphasize "only" -- be appointed from a

group of by-law officers who are already in place within a municipality.

Now, the chairman from our Legislation committee indicates, in general terms, that the Minister may appoint by-law officers in municipalities where liquor is prohibited to be special by-law officers for the purpose of searching, et cetera. Now, who is correct? Is it just generally? Because I would oppose this bill, Mr. Speaker, because I have a community which I would say is a medium-sized community, which doesn't have RCMP, which is a dry community and even if this bill is passed there would be no provision - if the Minister's remarks are correct -- for them to appoint a special by-law officer for that municipality. So if I can get some clarification, Mr. Chairman, I would appreciate it. Mahsi.

**CHAIRMAN (Mr. Lewis):**

Thank you, Mr. Zoe. Maybe you could clear up that confusion, Mr. Nerysoo.

**HON. RICHARD NERYSOO:**

Thank you, Mr. Chairman. I cannot say either one is wrong. Except I can say to the honourable Member that section 3, more specifically, clause 49.1(2) where it deals with persons eligible, the clause reads "special by-law officers shall be appointed from among the by-law officers of that municipality," so it is very specific.

**CHAIRMAN (Mr. Lewis):**

Okay, thank you, Mr. Nerysoo. Mr. Zoe.

**MR. ZOE:**

So if a municipality that doesn't currently have a by-law officer, the Minister will not be able to appoint anybody for that community, even if it is a dry community and even if it doesn't have an RCMP present.

**CHAIRMAN (Mr. Lewis):**

Mr. Nerysoo.

**HON. RICHARD NERYSOO:**

Mr. Chairman, that is correct.

**CHAIRMAN (Mr. Lewis):**

Anybody else? General comments. Mr. Pudluk.

**MR. PUDLUK:**

Thank you, Mr. Chairman. I am supporting this bill also. I think it's quite a good bill, especially for the small, dry communities. I have only one concern: with smaller communities, with a population of about 150, there won't be as many vehicles running around in those communities. When they are talking about vehicles, does that include all-terrain vehicles and skidoos?

**CHAIRMAN (Mr. Lewis):**

Thank you, Mr. Pudluk. Mr. Nerysoo.

**HON. RICHARD NERYSOO:**

Mr. Chairman, if I might give the definition because the definition of a vehicle is quite substantive, it includes a lot of other issues and, if I could, the definition given to a vehicle means "any means of transportation by land, water, or air and includes any motor car, automobile, truck, snowmobile, tractor, airplane, vessel, boat, launch, canoe, or any other thing used in any way for transportation." So it's quite a broad interpretation that could be given.

**CHAIRMAN (Mr. Lewis):**

Thank you, Mr. Nerysoo. Is that okay, Mr. Pudluk? Are you satisfied, Mr. Pudluk?

**MR. PUDLUK:**

Thank you. My supplementary is does that include dog teams, too? Because there are a few dog teams in the communities.

**CHAIRMAN (Mr. Lewis):**

Thank you, Mr. Pudluk. Mr. Nerysoo.

**HON. RICHARD NERYSOO:**

Mr. Chairman, the possibility is that it could be interpreted as such because vehicle means "any means of transportation by land, water, or air" and if you look at the last interpretation, "for any other thing used in any way for such transportation," so the possibility is there.

**CHAIRMAN (Mr. Lewis):**

Thank you, Mr. Nerysoo. Anybody else? Mr. Pudlat is next on my list. Mr. Pudlat.

**MR. PUDLAT:**

(Translation) Thank you, Mr. Chairman, for pronouncing my name properly. I am in agreement with this bill but for some of my communities there is a concern. Maybe it was me who misunderstood but most of the people agree with this bill but they feel that their rights might be violated. I'm wondering, Mr. Chairman, as you know, we have justices of the peace in the communities; would they need written approval authorizing such searches and seizures of whatever they're looking for, if this act comes into place? Thank you.

**CHAIRMAN (Mr. Lewis):**

Thank you. Mr. Nerysoo.

**HON. RICHARD NERYSOO:**

Thank you, Mr. Chairman. All I can say, Mr. Chairman, is simply this: that the rules that are applicable and the rights that are protected are under the Canadian Charter of Rights, these are applicable. They must be adhered to and they must be respected. However, even in the case of the RCMP, there are certain rules that they abide by and those same rules will be taught to the by-law officers. In fact, as part of their training, by-law officers should have already been taught that they don't have the right, without consideration for the rights of those individuals and vehicles that they are searching; that there is a consideration that must be given to the Charter protections that have already either been ruled or, for that matter, can be narrowly interpreted.

**CHAIRMAN (Mr. Lewis):**

Thank you, Mr. Nerysoo. Mr. Pudlat.

**MR. PUDLAT:**

(Translation) So the by-law officer, even without written authorization, will be able to search and seize, even with the Charter of Rights in place. Is that how I understand it?

**CHAIRMAN (Mr. Lewis):**

Mr. Nerysoo.

**HON. RICHARD NERYSOO:**

All I can say, Mr. Chairman, is that the right to search and seize is based on the rights protected under the Charter and that has to be protected in all cases.

**CHAIRMAN (Mr. Lewis):**

Thank you, Mr. Nerysoo. Any other general comments? Does everybody agree, then, to go clause by clause?

**SOME HON. MEMBERS:**

Agreed.

---Agreed

Clause By Clause

**CHAIRMAN (Mr. Lewis):**

Okay. Bill 10, An Act to Amend the Liquor Act, 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.

**SOME HON. MEMBERS:**

Agreed.

---Agreed

**CHAIRMAN (Mr. Lewis):**

Clause 5.

**SOME HON. MEMBERS:**

Agreed.

---Agreed

**CHAIRMAN (Mr. Lewis):**

Clause 6.

**SOME HON. MEMBERS:**

Agreed.

---Agreed

**CHAIRMAN (Mr. Lewis):**

Clause 7.

**SOME HON. MEMBERS:**

Agreed.

---Agreed

**CHAIRMAN (Mr. Lewis):**

Clause 8.

**SOME HON. MEMBERS:**

Agreed.

---Agreed

**CHAIRMAN (Mr. Lewis):**

The bill as a whole.

**SOME HON. MEMBERS:**

Agreed.

---Agreed

**CHAIRMAN (Mr. Lewis):**

Does the committee agree, then, that Bill 10, An Act to Amend the Liquor Act, is ready for third reading?

**SOME HON. MEMBERS:**

Agreed.

---Agreed

**CHAIRMAN (Mr. Lewis):**

Bill 10, An Act to Amend the Liquor Act, is now ready for third reading. Now, we had a list of bills 4, 11, 12, and 10, with the possibility of proceeding to another bill. What is the wish of the committee? Mr. Koe.

**MR. KOE:**

Thank you, Mr. Chairman. I move we report progress.

**CHAIRMAN (Mr. Lewis):**

There is a motion on the floor to report progress. The motion is not debatable. All those in favour? All those opposed? The motion is carried. I shall rise and report progress.

**MR. SPEAKER:**

The House will come back to order. Item 21, report of committee of the whole. Mr. Lewis.

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ITEM 21: REPORT OF COMMITTEE OF THE WHOLE

**CHAIRMAN (Mr. Lewis):**

Thank you, Mr. Speaker. Your committee has been considering bills 4, 11, 12, 10 and would like to report progress, with two motions being adopted. Bills 4, 11 and 10 are now ready for third reading, and Bill 12 is now ready for third reading, as amended. Mr. Speaker, I move that the report of committee of the whole be concurred with.

**MR. SPEAKER:**

Mr. Pudluk will second the motion. 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

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

ITEM 23: ORDERS OF THE DAY



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

Mr. Speaker, there will be a meeting of the Ordinary Members' Caucus at 10:30 am tomorrow morning and of the Management and Services Board at 12:00 noon.

Orders of the day for Wednesday, February 22, 1995.

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

- Motion 9-12(7), Appointments to Standing Committees

18. First Reading of Bills
19. Second Reading of Bills
20. Consideration in Committee of the Whole of Bills and Other Matters

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

- 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 14, Miscellaneous Statutes Amending Act, 1994

- Committee Report 2-12(7), Report on the

Legislative Action Paper on the Office of

Ombudsman for the Northwest Territories

- Committee Report 3-12(7), Report on the

Review of the Legislative Action Paper

Proposing New Heritage Legislation for the

Northwest Territories

21. Report of Committee of the Whole

22. Third Reading of Bills

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

This house stand adjourned until Wednesday, February 22, 1995 at 1:30 p.m.

**---ADJOURNMENT**