



**NORTHWEST TERRITORIES  
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**THURSDAY, APRIL 27, 1995**

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The Honourable **Samuel Gargan**, Speaker

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**MEMBERS PRESENT**

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

**ITEM 1: PRAYER**

---Prayer

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

Thank you, Mr. Antoine. Good afternoon. Orders of the day. Item 2, Ministers' statements. Mr. Ng.

**ITEM 2: MINISTERS' STATEMENTS**

Minister's Statement 74-12(7): Review Of Municipal Legislation

**HON. KELVIN NG:**

Thank you, Mr. Speaker. Mr. Speaker, in May of 1983 the Government of the Northwest Territories issued a paper titled "Design for Devolution," to promote public discussion on proposed new local government legislation to replace the municipal ordinance.

In 1987, after broad public consultation and the drafting of new legislation, this Legislative Assembly gave consideration to a number of community government bills, including the:

- Settlements Act;
- Hamlets Act;
- Charter Communities Act;
- Cities, Towns and Villages Act;
- Local Authorities Elections Act; and,
- Property Assessment and Taxation Act.

Royal Assent was given these new acts in late 1987 and the legislation came into force January 1, 1988.

This new legislation has served well both this government and all levels of community government for over seven years, Mr. Speaker. Three charter communities now exist and others are actively considering this level of incorporation, which attests to the success of the Charter Communities Act. This act addresses the circumstances of municipal authorities governing in a cooperative association with local band councils in accordance with a community-developed charter.

As with any municipal legislation, Mr. Speaker, changes are necessary to keep it current with new developing circumstances. Since our government's municipal legislation was first introduced, a number of amendments have been presented and approved by this Assembly. The need for legislative amendments has accelerated in recent years. Concerns have been raised by individual municipal councils, senior administrative officers and the Northwest Territories Association of Municipalities. The department has also identified a number of needed changes to conclusively address issues affecting community governments.

Mr. Speaker, the observations and concerns raised by the users of our legislation are a clear indication of the need to carry out a broad legislative review of all necessary changes.

I am, therefore, pleased to announce that a review committee will be appointed to undertake a review of necessary amendments to the:

- Cities, Towns and Villages Act;
- Hamlets Act;
- Charter Communities Act;
- Settlements Act;
- Local Authorities Elections Act; and,
- Property Assessment and Taxation Act.

The review committee will consist of representatives from:

- the Department of Municipal and Community Affairs;
- the Department of Intergovernmental and Aboriginal Affairs;
- the Northwest Territories Association of Municipalities; and,

- the Association of Municipal Administrators of the Northwest Territories.

The associations will be asked to submit names from their respective membership for appointment to the review committee. Mr. Speaker, the committee will have a balance of those who monitor and maintain the legislation and those who would be most affected by any changes.

The focus of the review will be to identify those areas of the legislation which currently cause the most concern to users, consider the options for change and make recommendations. The committee will recommend wording changes to eliminate or reduce interpretive difficulties and consider options to allow community governments greater flexibility in decision-making.

As well, Mr. Speaker, the review committee will be directed to consider the benefits of separate acts or the amalgamation into a single government act of the:

- Cities, Towns and Villages Act;
- Hamlets Act;
- Charter Communities Act; and,
- Settlements Act.

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The review committee, in making its recommendation will take into consideration the historical significance behind the establishment of the legislation as it exists today.

The review committee, in addition to meeting as a working group, will be expected to seek the input of municipal councils and receive and consider written submissions. Every effort will be made to hear or receive comment from concerned councils, individuals, groups and associations.

The review committee terms of reference are being prepared and I expect that the committee will hold its first meeting in late June or early July. It is anticipated that the review committee will submit their recommendations to the Minister by the end of 1995, allowing new or amended legislation to be submitted to this House for consideration in 1996.

Mr. Speaker, the establishment of the review committee clearly demonstrates the continued

commitment of this government to the development of government at the community level. Thank you.

---Applause

**MR. SPEAKER:**

Thank you, Mr. Ng. Item 2, Ministers' statements. Item 3, Members' statements. Mr. Antoine.

ITEM 3: MEMBERS' STATEMENTS

Member's Statement On The Important Role Of Interpreters

**MR. ANTOINE:**

Mahsi, Mr. Speaker. Today, I would like to take the opportunity to acknowledge the important role of interpreters. Mr. Speaker, in the past, the issue of interpreters has been raised in the House. The funding cuts to the interpreter program has caused a strong response, and justifiably so. I would like to continue to stress to this House the vital role interpreting plays today.

Mr. Speaker, I would like to put this into perspective for those who use English as their first language. This language is straightforward but, at the same time, this language can be very confusing, especially for translating. In addition, Mr. Speaker, aboriginal languages are based on experience of situations and description of traditional lifestyles. When one translates English into their respective aboriginal language, you simply cannot translate word for word. Interpreting involves translating English into situations and concepts and/or describing a particular word.

For example, for the statement "computer-generated" in my language, which is South Slavey, a computer would be described something like a machine that types words or letters. Another example used extensively is the word "government." In my language, you would say a body in charge of the land. Interpreting effectively is a constant learning process. Simultaneous translation is not only difficult but can be very stressful at times, stressful because of technical difficulties, speed-readers, and the use of phrases unheard of in any aboriginal language.

Experiencing difficulty on a daily basis is common for interpreters. For example, when some of my colleagues in this House use poems or acronyms and so forth, the interpreters have difficulty dealing with that. In addition, Mr. Speaker, these people realize

the importance of their jobs and, more importantly, they are there as representatives of their people.

Mr. Speaker, the activity that takes place in this House every day has a significant impact on the people in the north. At one time, the aboriginal people of the north were without input into their future. However, Mr. Speaker, since interpreters have been used, people have been made aware of issues and activities that affect them. As a result, concerns were raised, issues addressed and solutions generated.

Mr. Speaker, there is no question, interpreters have contributed to the effectiveness of this government and I would like to take this time to acknowledge and recognize the essential role of interpreters in our society today. Mahsi, Mr. Speaker.

---Applause

**MR. SPEAKER:**

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

Member's Statement On National Day Of Mourning For Workers Killed And Injured On The Job

**HON. RICHARD NERYSOO:**

Thank you, Mr. Speaker. I want, Mr. Speaker, to make Members aware that tomorrow, April 28th, is the National Day of Mourning for Workers Killed and Injured on the Job. This year across Canada, workers and their families, as well as representatives of government, agencies and corporations, will join to remember those workers who were injured or killed in the performance of their duties.

In the Northwest Territories last year, 15 workers died while on the job. A total of 11 of those 15 were harvesters, one was a mechanic, one was a dental assistant, one was a construction worker, and one was a miner. It is clear that there are occupational hazards associated with virtually every field of endeavour and we must do all we can to eliminate or minimize those hazards.

Mr. Speaker, work-related injuries and fatalities are occurrences which can be prevented. As legislators, we, in this House, must do all we can to ensure we have occupational health and safety systems that protect the lives and well-being of working people. As elected representatives of our various constituencies, we know the devastating effects that serious injuries and deaths have on the closely-knit communities of

the north and recognize the need to create an environment which emphasizes workplace safety to prevent the upheavals which occur in families and communities when workers are injured and cannot continue to be breadwinners.

Mr. Speaker, as the Member who is elected by the Premier to be responsible for the Department of Safety and Public Services, I want to assure Members of this House and the general public that I and my staff are doing all we can with available resources to ensure the regulatory systems concerned with occupational health and safety that we administer are as up to date and reasonable as possible.

Mr. Speaker, I want to say that, as Members, we should remember individuals who have been killed and injured on the job and the effects on their families, friends and communities.

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We should also remember that the day of mourning is an opportunity for all of us to renew our commitment to regulate workplace safety fairly and to ensure that workers and employers...

Speaker's Ruling

**MR. SPEAKER:**

Thank you, Mr. Nerysoo. Mr. Nerysoo, with regard to your statement, under Rule 36(4), a Minister may make a statement in accordance with Rule 36(1) but the statement must not relate to his or her responsibility as a Minister. Under the item Members' statements, a Member may make a statement on any other matter so I would like to say, Mr. Nerysoo, that your statement is out of order. Mr. Minister, I don't know whether this is a Minister's statement or a Member's statement. Mr. Nerysoo.

Point Of Order

**HON. RICHARD NERYSOO:**

Thank you, Mr. Speaker. If I could ask on a point of order that, at some time, you review the matter of how Ministers can make statements so you can clearly articulate those guidelines. Thank you, Mr. Speaker.

**MR. SPEAKER:**

Mr. Nerysoo, the rules are quite clear with regard to Members' statements and also with regard to Ministers' statements. The statement that you are

making is more within your responsibility as a Minister and that's the point that I'm making right now. Mr. Nerysoo, yes, I will clarify that, but until I do, you can continue your statement under Members' statements.

**HON. RICHARD NERYSOO:**

Mr. Speaker, you've made a ruling on it already, so I'll sit down.

**MR. SPEAKER:**

Item 3, Members' statements. Mr. Koe.

Member's Statement On Support For Western Constitutional Process

**MR. KOE:**

Mahsi, Mr. Speaker. Mr. Speaker, later today I will be introducing a motion seeking support for the western constitutional process. The western constitutional process is headed up by a committee called the Constitutional Development Steering Committee. This committee has been working for several years and a few months ago submitted a workplan and a budget for the 1995-96 fiscal year to enable the western process to continue its consultative and development work. It now needs approval and support from both the Government of the Northwest Territories and the Government of Canada to continue this work. We all know that for division to happen, we need the full support of this Assembly; and, as such, for the western process to continue, we need support of this Assembly.

The process, as it exists, has been supported and endorsed by the participants at the first western constitutional conference which was held in February. When I introduce the motion today, I would appreciate the support of all Members in this House. Mahsi.

**MR. SPEAKER:**

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

Member's Statement On Concern Re Increased Drug Use In NWT Schools

**MR. BALLANTYNE:**

Thank you, Mr. Speaker. Mr. Speaker, today I want to talk about a very serious problem. It's a problem that is happening here in Yellowknife and in the communities all over the Northwest Territories. It's

the alarming increase of drug use in our schools. I've talked to the RCMP, I've talked to educators, and I've talked to concerned parents about this issue. Last night there was an excellent meeting at St. Patrick's school, where the principal and teachers held an awareness seminar with parents and discussed some of the realities of this increase of drug use in our schools here in Yellowknife.

The feeling with the police and with educators is that over the last two years the use of drugs in our schools, in our post-elementary schools, has increased at a dramatic rate. The opinion of the police is that the drug elements in our communities are better organized now than they've ever been. They are targeting at-risk kids. Mr. Speaker, I would like to seek unanimous consent to conclude my statement.

**MR. SPEAKER:**

The Member for Yellowknife North is seeking unanimous consent. Are there any nays? There are no nays. Conclude your statement, Mr. Ballantyne.

**MR. BALLANTYNE:**

Thank you, Mr. Speaker. What the police are telling me is that trends that we see in southern Canada are slowly coming north. They're using soft drugs to hook kids and getting them onto harder drugs. What's happening in southern Canada, then, is the kids turn to B&Es and robberies. The average cost to feed a drug addict's habit is estimated at \$88,000 to \$100,000 a year, in B&Es and in robberies. Young females in southern Canada sell their bodies for drugs. The police see the beginning of that trend here in the Northwest Territories.

The drug elements are more sophisticated and I think that we, as a society, have to become more sophisticated. Communities like Yellowknife and Iqaluit don't stand on their own; they're feeder communities to the smaller communities, so the problems that you see here are problems that are spreading throughout all our communities in the Northwest Territories.

Parents and educators need help. This is not just a police problem or just a school problem or a government problem, this is a community problem. Everybody in the community must be aware of the problem and must be involved in the solution. I say to people that if you see any drug activity, report it to the police. A lot of people don't and the police are very

frustrated because they're not getting enough assistance from the community at large. Parents should get more involved in their schools. If you want to do something about this problem, parents have to get involved. Parents should write to their school boards, to their MLAs, to their aldermen. If your kids are experimenting with drugs, talk about it. I think too many people are ashamed of it. Drug use is happening in every family, in the best of families, and unless people acknowledge that it's happening and seek counselling, we're never going to get a solution to this problem.

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What I would like to conclude with, Mr. Speaker, is that all of us have a part to play in the fight against drug use, especially among our young people. It's a community problem. The government and the police have a very strong role to play in providing support mechanisms and providing coordination, and we do need a coordinated approach. I want to really emphasize, Mr. Speaker, that at the end of the day, this increasing problem in our schools, if we don't deal with it now the problem five years from now is going to be very difficult to control. All of us have a responsibility to do what we can do to control the increasing use of drugs in our schools. Thank you, Mr. Speaker.

---Applause

**MR. SPEAKER:**

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

Member's Statement On Northern Turbot Quotas

**MR. PATTERSON:**

Thank you, Mr. Speaker. Mr. Speaker, the Minister of Fisheries and Oceans, also known as Admiral, the Honourable Brian Tobin, has recently announced last week the northern turbot quotas for NAFO sub-area O in Davis Strait off the east coast of Baffin Island totalling 5,500 tons, and has requested proposals from Canadian companies wishing to use foreign vessels for this fishery in 1995, under stringent landing requirements in Canadian ports.

I wish to announce that, once again, hunters' and trappers' associations from Baffin communities are submitting proposals that would employ Inuit from these communities. The HTAs from Lake Harbour, Iqaluit, Broughton Island, Clyde River and Pond Inlet,

along with Avataq Fisheries, are urging support for their applications on two grounds: firstly, the Nunavut final land claims agreement, article 15.11 states that an Inuit economy is based in part on marine resources is both viable and desirable and; secondly, several of the criteria and operating guidelines developed for sub-area O allocations in 1995 by DFO should in fairness and justice, work in favour of Inuit-owned applicants from Baffin. One of the criteria states that evaluation of each application will be based on adjacency to the resource.

Mr. Speaker, these turbot are in waters adjacent to Baffin Island and are not, incidentally, in waters which were part of the recent dispute with the European union over turbot quotas.

Another criteria states that special consideration will be given to proposals involving affirmative action for native participation in the fishery. These applications have my full support.

I rise today to encourage other MLAs, our MP for Nunatsiak, and the Ministers of Economic Development and Tourism and Renewable Resources of our government to use their good offices to ensure that this year the allocations of turbot quota in area O are consistent with and respectful of provisions of the Inuit land claim; furthermore, that the allocations given preference to those applicants who are most adjacent to the resource: residents of Baffin Island.

I would just like a few moments to conclude my statement with unanimous consent, Mr. Speaker.

**MR. SPEAKER:**

The Member for Iqaluit is seeking unanimous consent. Are there any nays? There are no nays. Conclude your statement, Mr. Patterson.

**MR. PATTERSON:**

Thank you, Mr. Speaker and Members. Mr. Speaker, there are not a lot of opportunities to create jobs or to create wealth in our remote Baffin communities. This opportunity for Inuit enterprises from Baffin to benefit from marine resources in their waters is an opportunity provided to Inuit by the Creator; an opportunity encouraged and entrenched by the Inuit land claim. Last year, unfortunately, Baffin applicants ended up with only 10 per cent of the new available quota. I fervently hope that this year Mr. Tobin will be

fair and respectful to Inuit applicants for harvesting rights in their own waters. Qujannamiik.

---Applause

**MR. SPEAKER:**

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

Member's Statement On Awarding Of Housing Contract In Resolute Bay

**MR. ALLOOLOO:**

Thank you, Mr. Speaker. It has come to my attention that in 1994, housing retrofit contracts for Pond Inlet were awarded to a company named D and B Construction, and have since been given to Kheraj Enterprises Limited from Resolute Bay. I was informed that the owner of D and B was pressured into subcontracting his contracts to Kheraj Enterprises Limited. Chris Lupiano, an official from the Housing Corporation in Yellowknife, met with Aziz in Resolute to discuss the whole issue. One D and B official was contacted on the same day by both the official of the Housing Corporation and Kheraj Enterprises persuading him to subcontract the whole retrofit work to Kheraj Enterprises.

My question would be why the retrofit was not retendered if it wasn't going to be done by the contractor who was given the contract to do it. There are two contractors capable of doing the work presently in Pond Inlet at this moment.

On the other matter, I would like to know what is happening with our review of Kheraj Enterprises Limited local status for Pond Inlet. DPW personnel in Pond Inlet recently observed for themselves that all of Kheraj Enterprises Limited houses and mobile equipment are boarded up; and, though the Kheraj operation in Pond Inlet was set to be seasonal, the local contractors are operating 365 days of the year and maintaining two maintenance garages.

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

**MR. SPEAKER:**

The Member for Amittuq is seeking unanimous consent. Are there any nays? There are no nays, Mr. Allooloo. Conclude your statement.

**MR. ALLOOLOO:**

Thank you, Mr. Speaker. The two companies that are maintaining maintenance garages and mechanics for their equipment are operating 365 days a year. How can this company be given local status when it operates seasonally? I will state again, Quilaut Construction is forced to compete on the same footing, and they have time and time

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again demonstrated their commitment to this community by hiring a record number of local people, which no outside contractors can ever come close to matching.

At the appropriate time, Mr. Speaker, I'll be asking the government those kinds of questions. Thank you.

**MR. SPEAKER:**

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

Member's Statement On Susan Aglukark's Visit To Fort Smith

**MRS. MARIE-JEWELL:**

Thank you, Mr. Speaker. I'm going to be sounding just like my colleague pretty soon.

---Laughter

Mr. Speaker, last Thursday, Fort Smith hosted the Northwest Territories Juno Award recipient, Susan Aglukark. Susan sang for the students last Thursday afternoon. The two schools, Joseph Burr Tyrrell and PWK, were entertained by Susan. There were a total of 600 to 700 students that she entertained.

Joseph Burr Tyrrell and PWK, opposed to setting a fee for this concert, decided to request contributions towards a food bank which I believe was set for a very good cause and I would like to commend them for such an initiative. In the evening, Susan sang at the McDougal Centre and certainly sang for a full house.

I want to take the time, Mr. Speaker, to thank Pat Burke for all his work. I commend him for taking on the task and coordinating such an initiative which was enjoyed by all of Fort Smith residents. I also want to take the time to thank Social Services for their funding contribution from the youth fund to be able to allow these students to listen to Susan singing. We all know Susan Aglukark is a role model for the youth of the Northwest Territories and, as previously stated, an

excellent ambassador for the Northwest Territories. Fort Smith was very proud to host Susan Aglukark, and welcomes her to come back to our community as soon as she can. Thank you.

---Applause

**MR. SPEAKER:**

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

Member's Statement On Annual Volunteers' Awards Presentations

**MR. WHITFORD:**

Thank you, Mr. Speaker. Yesterday evening I, along with the Honourable Kelvin Ng, had the pleasure of assisting at the annual volunteers' awards presentation at the Explorer Hotel. There were a good number of persons there from the various organizations who had been nominated for receiving some recognition for their volunteer work in the organization they had involved themselves in over the past year. The main part of the evening was to recognize one of the many, many volunteers who participated in the organizations of our town here and across the north. The recipient was Helene Usherwood, who is well-known to many of the Members and certainly is well-known to the city of Yellowknife in her efforts to assist in whatever way she can to making our town a better place and helping people who need help most.

It was a very interesting evening because we had a chance to discuss the role of volunteers and how they can, in their own way, each contribute. I would like to say thank you to MACA for making this event possible. They solicit the names of recipients for this. It's a very difficult job, of course, to make that kind of a selection because when you look at the credentials of people who are presented, they are outstanding. But, at some point, you have to pick one and I think they picked an excellent candidate.

I was fortunate to have been at the four previous events when Mrs. Stirling received her award for being volunteer of the year. That was the first one and was held in the old legislative building some four years ago. Last year, Mr. Melnyk received it and we have a gentleman from Rankin Inlet and one from Inuvik who, over the years, have received these awards.

May I conclude? Mr. Speaker, I seek unanimous consent.

**MR. SPEAKER:**

Thank you. The Member for Yellowknife South is seeking unanimous consent. Are there any nays? There are no nays. Please proceed, Mr. Whitford.

**MR. WHITFORD:**

Thank you, Mr. Speaker and colleagues. One of the parts of the evening which was quite interesting was the presentation of a plaque with the names of the people on it and, of course, Ms. Usherwood's name will go on that. Accompanying that is a carving on a moose antler done by Sonny MacDonald of Fort Smith. Over the years, Mr. MacDonald has made this generous contribution and comes to Yellowknife to make the presentation personally. It's that of an eagle's head and is beautifully carved. It has a feather carved out of antler as well. The feather is very significant, of course, in our country here for it's symbolism of honesty, integrity and hard work.

That is quite a token to be presented to an individual as a memento of their work and Mr. MacDonald generously contributes that each year. Mr. Speaker, that was just a little report on what occurs annually with the volunteer of the year award. Thank you.

**MR. SPEAKER:**

Thank you, Mr. Whitford. Item 3, Members' statements. Item 4, returns to oral questions. Ms. Cournoy.

ITEM 4: RETURNS TO ORAL QUESTIONS

Further Return To Oral Question 472-12(7): Status Of Air Medevac Standards

**HON. NELLIE COURNOYEA:**

Mr. Speaker, I have a return to an oral question asked by Mr. Dent on April 26th regarding the status of air medevac standards.

I would like to provide clarification on air medevac standards in the Northwest Territories. The Department of Health and Social Services is developing two types of air standards. One deals with the training and qualification of escorts such as nurses and others who accompany medevacs. These standards were developed and agreed to by all the health



boards. The second one deals with the kinds of aircraft and equipment required for medevacs.

The review process for developing standards for aircraft and equipment will proceed during the first week of May 1995. As per my earlier commitment in the House, I will send these draft standards to Members as soon as they are available. Thank you.

**MR. SPEAKER:**

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

ITEM 5: RECOGNITION OF VISITORS IN THE GALLERY

**MR. PATTERSON:**

Mr. Speaker, I would like to recognize Mr. Ben McDonald of the Union of Northern Workers. Stand up.

---Laughter

---Applause

**MR. SPEAKER:**

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

ITEM 6: ORAL QUESTIONS

Question 479-12(7): Steps To Combat Drug Use In NWT Schools

**MR. BALLANTYNE:**

Thank you, Mr. Speaker. Mr. Speaker, as a follow-up to my Member's statement, in my discussions with Staff Sergeant Dave Grundy, he said in the last 11 or 12 days, he's had 13 different sets of parents with their kids in to speak to him, worried about the fact that their kids are doing drugs. As I said, this is definitely not just a government problem, but I wonder if the Minister could outline any steps the Department of Education is taking to try to deal with this problem in schools here in Yellowknife and across the territories.

**MR. SPEAKER:**

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

Return To Question 479-12(7): Steps To Combat Drug Use In NWT Schools

**HON. RICHARD NERYSOO:**

No, Mr. Speaker, I can advise the honourable Member that we don't have any steps. We work with the boards and the boards are the ones that develop the basis and the rules with which we deal with students.

**MR. SPEAKER:**

Thank you. Supplementary, Mr. Ballantyne.

Supplementary To Question 479-12(7): Steps To Combat Drug Use In NWT Schools

**MR. BALLANTYNE:**

Thank you. I understand the role of the boards, Mr. Speaker, but I think the Department of Education, as it does in other aspects of education, has a certain leadership role that it can play. I think that the Department of Education should at least demonstrate some concern about this issue. I would ask the Minister if he would look at ways that the department can support the boards in trying to deal with this very serious issue.

**MR. SPEAKER:**

Mr. Nerysoo.

Further Return To Question 479-12(7): Steps To Combat Drug Use In NWT Schools

**HON. RICHARD NERYSOO:**

Mr. Speaker, if the boards ask us to get involved, we will, but as far as I'm concerned, it's the responsibility of the boards and we will allow them to be the leaders in this area. If they want our support, we will be prepared to help them.

**MR. SPEAKER:**

Thank you. Mr. Ballantyne.

Supplementary To Question 479-12(7): Steps To Combat Drug Use In NWT Schools

**MR. BALLANTYNE:**

Well, I'm surprised to hear that the Minister is not prepared to take a leadership role in this area. I don't think the question that I posed to the Minister is an

onerous one, and it is not one, I don't think, that would cause the Minister and his staff a lot of trouble to deal with. What I said is, there is obviously a serious problem in our schools with drugs and I think the Minister of Education and the Department of Education has a role to play in trying to deal with this problem. I'll ask the Minister if he could correspond with the boards and offer the support of the department in trying to deal with this serious problem.

**MR. SPEAKER:**

Mr. Nerysoo.

Further Return To Question 479-12(7): Steps To Combat Drug Use In NWT Schools

**HON. RICHARD NERYSOO:**

Mr. Speaker, we are already doing that. The fact is, we've been working with the boards, developing the process by which we are trying to address the whole issue of delivering services which includes the RCMP, social workers, the Department of Education and the boards. The key is we've said the boards must be the leaders in bringing forward a resolution to the concern. We are already working with the boards on this particular issue and a number of other service issues. We are prepared to work with them. It is our view that we support the boards, but it is the boards that should be the leaders in this area. We are concerned about it as well. Some of us here are parents and we take this issue very seriously.

**MR. SPEAKER:**

Thank you. Final supplementary, Mr. Ballantyne.

Supplementary To Question 479-12(7): Steps To Combat Drug Use In NWT Schools

**MR. BALLANTYNE:**

Supplementary to the Minister. Could the Minister make available to this House for the June session, a report on the problem of drug use in schools across the Northwest Territories to this Legislative Assembly? Thank you.

**MR. SPEAKER:**

Mr. Nerysoo.

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Further Return To Question 479-12(7): Steps To Combat Drug Use In NWT Schools

**HON. RICHARD NERYSOO:**

I'm not sure what report the honourable Member would want, but I can advise the honourable Member that we've already provided documentation of the process we're trying to use to work on some of the solutions. In fact, Mr. Speaker, the honourable Member for Yellowknife Frame Lake has even taken the time to read the documentation and provide us with advice on some of the issues and probably some solutions. He's already involved and other Members have already received the report. Thank you, Mr. Speaker.

**MR. SPEAKER:**

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

Question 480-12(7): Assistance To South Slave Education Board Re Deficit

**MRS. MARIE-JEWELL:**

Thank you, Mr. Speaker. I would like to pose a question to the Minister of Education. Mr. Speaker, the Minister of Education is well aware of the South Slave Divisional Board of Education being in a fairly significant deficit situation.

To the degree that I commend them for attempting to address their debt and different people in the community for taking different initiatives to address some of this debt, it is my understanding the initial debt was incurred because of the amount of funding that was given to the boards, particularly for retirement funding. It appears that there was a shortfall in that particular area.

However, the in excess of a million dollars deficit is quite significant for the communities in the South Slave to be able to address this particular area without having it be a detriment to many of the programs delivered in the schools.

This ratio of funding is being reconsidered, from one to 19, to one to 21; and, the high school, from a one to 16 ratio, to a one to 19 ratio. So, you're having some areas that could possibly impact program delivery.

I would like to know whether or not the Minister's department is going to make every effort in order to

assist the South Slave Divisional Board of Education in addressing the deficit situation they are now in.

**MR. SPEAKER:**

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

Return To Question 480-12(7): Assistance To South Slave Education Board Re Deficit

**HON. RICHARD NERYSOO:**

Thank you, Mr. Speaker. I would just advise the honourable Member that we have been working with the South Slave Divisional Board of Education.

Just to advise the Member, the retirement funding is not an issue. We have accepted total responsibility for paying those funds out and it's not a liability that is laid within the budget of the South Slave Divisional Board of Education. We work around that.

There are some other factors, unfortunately, that the honourable Member is aware of and one is that people were carrying on expenditures for the last few years with no authority and really with no accountability, including a recruitment of additional staff that was above and beyond the formula and the dollars that were assigned.

Just to indicate to the honourable Member, we have been meeting with Dr. Walter Curtis and Mrs. Ruth Bowden on a number of occasions. We have tried to work the issue out.

Just to advise the honourable Member, the strategy for reducing the deficit is over a three-year period; however, despite that, there will be significant consequences to the program delivery. But my honourable colleague and I know, at least from our discussions with the South Slave Divisional Board of Education and discussions in this House, that this issue is a long-standing issue. The sad part is that some of the previous leadership did not want to deal with it appropriately and the unfortunate thing is that it is now laid in the hands of the new leadership.

So we are trying to work with them, but I can't in any way suggest to the honourable Member that the issue is going to be easily resolved. But we will consider the concerns the honourable Member has raised.

**MR. SPEAKER:**

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

Question 481-12(7): Transfer Of Sanikiluaq Power Station

**MR. DENT:**

Thank you, Mr. Speaker. My question is for the Minister responsible for the NWT Power Corporation. Mr. Speaker, we have heard in the past that the operation of the Sanikiluaq power plant would be transferred from Public Works and Services to the Power Corporation which was expected to happen, we heard during budget discussions, by April 1st of this year. Could the Minister advise if the Power Corporation has taken over operation of the Sanikiluaq power station?

**MR. SPEAKER:**

The Minister responsible for the NWT Power Corporation, Ms. Cournoyea.

Return To Question 481-12(7): Transfer Of Sanikiluaq Power Station

**HON. NELLIE COURNOYEA:**

Mr. Speaker, no, the Power Corporation has not secured the Sanikiluaq power station. Thank you.

**MR. SPEAKER:**

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

Supplementary To Question 481-12(7): Transfer Of Sanikiluaq Power Station

**MR. DENT:**

Thank you, Mr. Speaker. Mr. Speaker, we were told earlier that the takeover would probably happen by April 1. Can the Minister advise when it is now expected that the Power Corporation will take over the operation in Sanikiluaq?

**MR. SPEAKER:**

Ms. Cournoyea.

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Further Return To Question 481-12(7): Transfer Of Sanikiluaq Power Station

**HON. NELLIE COURNOYEA:**

Mr. Speaker, the negotiations have been going on over a period of time; however, there is a very large gap between what the Power Corporation feels is a viable amount that would allow the takeover of the power plant and the price that the government feels that they should be reimbursed for their investment. Thank you, Mr. Speaker.

**MR. SPEAKER:**

Item 6, oral questions. Supplementary, Mr. Dent.

Supplementary To Question 481-12(7): Transfer Of Sanikiluaq Power Station

**MR. DENT:**

Thank you, Mr. Speaker. That answer didn't indicate whether or not the Minister really expected that the Power Corporation would take over the operation, and I have noticed that there was a tender out for the power plant operation. It's been put out by Public Works and Services. Does this indicate that it is no longer the plan of this government to transfer the operation in Sanikiluaq to the Power Corporation?

**MR. SPEAKER:**

Ms. Cournoyea.

Further Return To Question 481-12(7): Transfer Of Sanikiluaq Power Station

**HON. NELLIE COURNOYEA:**

Mr. Speaker, the Power Corporation is still interested in taking over the facility and operating it, owning it and maintaining it. However, the issue is price of assets, and it's still in the interests of the Power Corporation to proceed. However, like I said earlier, there is a wide gap between what the Power Corporation feels is an adequate purchase price and what the government feels is an adequate purchase price. The intent of the Power Corporation is to continue to pursue the takeover of the Sanikiluaq plant. However, until there can be some reconciliation on the margins, the Power Corporation will continue to pursue this; at the same time, I would assume that it is still the responsibility of the Department of Public Works and Services to make sure the power plant continues to operate. Thank you.

**MR. SPEAKER:**

Item 6, oral questions. Final supplementary, Mr. Dent.

Supplementary To Question 481-12(7): Transfer Of Sanikiluaq Power Station

**MR. DENT:**

Thank you, Mr. Speaker. Since the government is the sole owner of the Power Corporation, and since the government, you could say, is the sole owner of Public Works and Services, I am having a real problem seeing what the difficulty is. Why can't the government direct that the transfer take place?

**MR. SPEAKER:**

Ms. Cournoyea.

Further Return To Question 481-12(7): Transfer Of Sanikiluaq Power Station

**HON. NELLIE COURNOYEA:**

Mr. Speaker, the Power Corporation operates as a company and as a business and has its mandate. They, as a corporation that has to be primarily interested in the ratepayer and what the ratepayer can absorb, make an offer accordingly.

The Power Corporation is also regulated under the Public Utilities Board, which sets some standards on acquisitions and how much can be absorbed over a capital purchase, whether it's new plants or new acquisitions.

So the Power Corporation is operating under its mandate, and I presume that the Department of Public Works and Services, on behalf of the Government of the Northwest Territories, is operating on the basis of the investment that they have put into the Sanikiluaq plant. The matter is in a negotiating process at any time and the interest is there; however, the gap at this point in time appears too wide and it would appear negotiations have to continue so both parties can be treated fairly. Thank you, Mr. Speaker.

**MR. SPEAKER:**

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

Question 482-12(7): Advice From Education Boards Re Drug Use In Schools

**MR. BALLANTYNE:**

Mr. Speaker, I'll use another approach with the Minister of Education. Mr. Speaker, it was my understanding that the Minister of Education has a responsibility to provide information to this House about the boards. We have no other way of getting it in this House. My question, Mr. Speaker, to the Minister is will the Minister be prepared to write a letter to each of the boards and ask them about the magnitude of the drug problem in their areas and ask for their suggestions on how the government could help, and table those responses here in this House in June? Thank you, Mr. Speaker.

**MR. SPEAKER:**

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

Return To Question 482-12(7): Advice From Education Boards Re Drug Use In Schools

**HON. RICHARD NERYSOO:**

Thank you, Mr. Speaker. We'll certainly write the letters. Thank you.

**MR. SPEAKER:**

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

Question 483-12(7): South Slave Education Board's Lack Of Financial Accountability

**MRS. MARIE-JEWELL:**

Thank you, Mr. Speaker. My question is to the Minister of Education with respect to the comments he made in reply to my question on the deficit of the South Slave Divisional Board. The Minister made some reference with regard to comments such as people were carrying on expenditures with no authority or no accountability. The South Slave Divisional Board, I knew at the time, was going into serious debt and at the time had written the Minister many

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letters, and I appreciate that he had attempted to address these taking into account the legislation that he's working under.

Mr. Speaker, we all now know that as a result of this debt, significant implications on programs are going to have to be adhered to. As I stated earlier, two of my schools, PWK and JBT, are going to be encountering

a five PY reduction for the next year. This will be significant for the students. I would like to ask the Minister whether or not, because of this the poor leadership in the past that has created such a debt, his department is going to address the lack of accountability and authority that was used by expending these funds. Thank you.

**MR. SPEAKER:**

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

Return To Question 483-12(7): South Slave Education Board's Lack Of Financial Accountability

**HON. RICHARD NERYSOO:**

Thank you, Mr. Speaker. We have dealt with the responsibility we have dealing with the whole matter of administration and management. My belief is that the selection of Dr. Curtis is intended to alleviate some of the serious management concerns that arose some time ago and were, in fact, articulated by the department to the South Slave Divisional Board of Education.

I want to advise the honourable Member that some other boards have been in situations where they have had deficits and there was no attempt on the part of the government to bail them out. In other words, I recall the Dogrib Divisional Board of Education and their society being in over a \$1 million deficit and they had to find a way to resolve that particular issue. There are others, as well, that are in deficits; I believe there might be two others, and both of those are being asked to do the same thing that the South Slave Divisional Board of Education is being asked to do.

As difficult as it might seem, I think we have to be prepared to recognize that, unfortunately, the results of bad management are such that the consequences aren't necessarily felt by those who created the deficit but are, in fact, having to live with it. That's a very difficult position to put people in but it's nonetheless something we have to address.

**MR. SPEAKER:**

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

Supplementary To Question 483-12(7): South Slave Education Board's Lack Of Financial Accountability

**MRS. MARIE-JEWELL:**

Thank you, Mr. Speaker. I recognize that the government did not look at bail-outs of other divisional boards as they went into debt. I don't think the South Slave Divisional Board is asking for a particular bail-out. I know in parts of their funding I don't think there is an equitable allocation of funds. I could go into the specific programs, but I won't. However, as difficult as it seems -- as the Minister stated that bad management created a debt -- at the time the debt was created I also, as a Member, expressed to the Minister my concern and because of the way the legislation is created the Minister's hands were tied and he could not specifically address the point of bad management.

Since then, we have a new divisional board and I'm wondering whether or not the Minister can find a way within his department, through legislation, to be able to assist the South Slave Divisional Board with their deficit situation. Thank you.

**MR. SPEAKER:**

Mr. Nerysoo.

Further Return To Question 483-12(7): South Slave Education Board's Lack Of Financial Accountability

**HON. RICHARD NERYSOO:**

Thank you, Mr. Speaker. I can advise the honourable Member that we have been attempting to work with the South Slave Divisional Board, even advising them on the number of options that might be considered.

The other issue is that in some of the formulas, some of the statistical information that was coming in from the South Slave Divisional Board of Education was not accurate. The fact is that on one issue, bussing, for instance, because there was no attempt on the part of the administration to work with the department, we got inaccurate information. As a result of the willingness of the present board and Dr. Walter Curtis to work with the department, we found that the numbers are such that the formula for bussing goes up now as a result of the information that has come back to us. That's the kind of information that, as we work together, maybe will resolve those based only on the formula as it is right now.

The other thing is that wherever cuts are being made there have to be cuts made with consideration for the programs for which we are delivering, also recognizing the responsibility we have for our staff in

the region. I know that it's much easier to cut quickly. We have to do those things but, at the same time, we should be cognizant of our responsibility to deliver programs. We'll work with the divisional board.

My view is that the more accurate information we get and the better working relationship we develop, I think we'll be able to bring the board and the region through this difficult financial situation and we'll be able to provide additional support. In some cases it might be financial and in others it might be just management. We will work with them to resolve some of these issues. Thank you.

**MR. SPEAKER:**

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

Question 484-12(7): Minister's Knowledge Of Pond Inlet Housing Association Contract

**MR. ALLOOLOO:**

Thank you, Mr. Speaker. My question is to the Premier, since I know the Minister of Housing is not here today. The Premier has, in fact, on a number of occasions, gone up to Pond Inlet to discuss contracts; local contractors as opposed to outside contractors. Does the Premier know or is she aware that the retrofit job of the Pond Inlet Housing Association is being subcontracted to a Resolute Bay firm? Thank you.

**MR. SPEAKER:**

Madam Premier.

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Return To Question 484-12(7): Minister's Knowledge Of Pond Inlet Housing Association Contract

**HON. NELLIE COURNOYEA:**

Mr. Speaker, I am aware of the situation and I do have some information from the department. However, given the comments in the Member's statement, I would have to further investigate the issue that has been put forward to us and I will report to the Member later today if I can get further information to look into that matter a little more intensively. Thank you, Mr. Speaker.

**MR. SPEAKER:**

Thank you. Supplementary, Mr. Allooloo.

Supplementary To Question 484-12(7): Minister's Knowledge Of Pond Inlet Housing Association Contract

**MR. ALLOOLOO:**

Thank you, Mr. Speaker. I thank the Premier for her very appropriate answer. Maybe while she's looking into the answers, she could also look into why, if the job was to be subcontracted to another company, it wasn't tendered all over again if the main contractor who was given the job was not able to do it. Thank you.

**MR. SPEAKER:**

Madam Premier.

Further Return To Question 484-12(7): Minister's Knowledge Of Pond Inlet Housing Association Contract

**HON. NELLIE COURNOYEA:**

Mr. Speaker, yes, that will be amongst the issues looked into. I will talk to the Member further to get as much detail so we can effectively deal with the matter. Thank you, Mr. Speaker.

**MR. SPEAKER:**

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

Question 485-12(7): Support For Baffin Turbot Applications

**MR. PATTERSON:**

Thank you, Mr. Speaker. My question is for the Minister of Economic Development and Tourism. I was pleased to note the Minister listened attentively to my statement on turbot applications from the Baffin for area O in the coming year. Will the Minister of Economic Development and Tourism support Baffin applicants for turbot in area O for the coming year? Thank you.

**MR. SPEAKER:**

Minister of Economic Development and Tourism, Mr. Todd.

Return To Question 485-12(7): Support For Baffin Turbot Applications

**HON. JOHN TODD:**

Thank you, Mr. Speaker. I did listen attentively, didn't I? Of course. The quotas are the responsibility of my colleague, Mr. Arngna'naaq, and I understand Mr. Arngna'naaq has had some discussions with Mr. Tobin as it relates to the quotas. I'm in discussions right now with the Baffin Regional Hunters' and Trappers' Association, with Mr. Jerry Ell. I've committed and will commit to him that I will write to Mr. Tobin and make sure that the people of Baffin Island are treated equitably in the distribution of this quota. I hope to be able to accomplish that very shortly.

I'm trying to arrange a meeting with Mr. Tobin on another issue, relating to the Freshwater Fish Marketing Corporation, et cetera, and I'm hoping to meet with him in the next two to three weeks. Should I be fortunate enough to arrange a meeting, I will address this issue at that time and, as well, I will correspond with him forthwith. Thank you.

---Applause

**MR. SPEAKER:**

Item 6, oral questions. Mr. Allooloo.

Question 486-12(7): Purchase Of GNWT Staff Housing In Small Communities

**MR. ALLOOLOO:**

Thank you, Mr. Speaker. I would like to ask the Government Leader, in the small communities are government employees still able to purchase the houses they are living in?

**MR. SPEAKER:**

Madam Premier.

Return To Question 486-12(7): Purchase Of GNWT Staff Housing In Small Communities

**HON. NELLIE COURNOYEA:**

Mr. Speaker, the two lines of offers that had gone out to employees for purchase of the accommodation in which they live have expired. At the moment, we're doing a review on how we're going to deal with new offers. I hope that when we conclude the session, I'll be able to establish some time line for the matter, to chart a course of action. I know that all across the Northwest Territories there are a number of people who missed the window of opportunity and we're going to address that. Thank you, Mr. Speaker.

**MR. SPEAKER:**

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

Question 487-12(7): Number Of Firearms Officers In NWT

**MR. PUDLUK:**

Thank you, Mr. Speaker. I'm starting to lose my voice too, I think, like my colleague who is sitting too close to me.

--Laughter

Mr. Speaker, I was wondering about the firearm control legislation. Starting January 1st, owners will have to have a firearm licence to replace FACs. Point seven indicates that the chief firearms officer will be in Yellowknife. Are there going to be any firearms officers in the different regions or is that going to be the only one? Thank you.

**MR. SPEAKER:**

Minister of Justice, Mr. Kakfwi.

Return To Question 487-12(7): Number Of Firearms Officers In NWT

**HON. STEPHEN KAKFWI:**

Mr. Speaker, under the present legislation of the federal government, there is a requirement that in order to renew or acquire a firearms acquisition certificate, a person must first successfully complete a firearms safety course. In the Northwest Territories that provision of federal legislation has been put on hold. So, in fact, here in

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the north on two occasions now, we have delayed implementation of that particular provision. This is pending, hopefully, successful negotiations with the federal government to have in place a culturally-relevant, acceptable firearms safety course. At this time, there is no such course and so the Attorney General of the Northwest Territories, who is also the Attorney General of Canada, has agreed to withhold the implementation of the provision.

As far as the firearms officers are concerned, yes, there is only one at this time and that position is stationed here in Yellowknife.

**MR. SPEAKER:**

Thank you. Supplementary, Mr. Pudluk.

Supplementary To Question 487-12(7): Number Of Firearms Officers In NWT

**MR. PUDLUK:**

Thank you, Mr. Speaker. I apologize, I didn't indicate which Minister I was asking the question of. Supplementary, Mr. Speaker. If there's only going to be one officer in Yellowknife, is there going to be somebody to talk to native people who don't speak English, in case they have questions about applying for firearm acquisition certificates? Thank you.

**MR. SPEAKER:**

Mr. Kakfwi.

Further Return To Question 487-12(7): Number Of Firearms Officers In NWT

**HON. STEPHEN KAKFWI:**

Mr. Speaker, the firearms acquisition certificates, as said earlier by a Member, is a rather extensive document to fill out. I believe that Yellowknife is one of the few communities that have passport services available and it is required to have this in order to fill out this firearms acquisition certificate and only the chief firearms officer is able to issue these certificates. It is my expectation that the provisions provided for under the proposed new firearms legislation of the federal government will mean that the administration and implementation of that bill will be rather difficult to implement and will have a negative impact on the ability of aboriginal people to have the ability to use guns in the way they are accustomed to. Thank you.

**MR. SPEAKER:**

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

Supplementary To Question 487-12(7): Number Of Firearms Officers In NWT

**MR. PUDLUK:**

Thank you, Mr. Speaker. If a person is applying for a firearms licence where they can present it to the RCMP, that person has to be only in his community; or, if he happens to be living in another community, does he have to go back to his community to honour



that application? There are about four or five pages you have to fill out and get a money order and also a photo. Does a person have to be in his community to turn that application in to the RCMP? Thank you.

**MR. SPEAKER:**

Mr. Kakfwi.

Further Return To Question 487-12(7): Number Of Firearms Officers In NWT

**HON. STEPHEN KAKFWI:**

Mr. Speaker, I believe that to have an FAC properly processed, you need to fill out a rather extensive form in a manner that's acceptable to the firearms acquisition certificate officials or the chief firearms officer. The officer has to be satisfied that you have answered the questions on the form in a manner that allows for issuance of that certificate. There is a mandatory waiting period of, I believe, about a month that is required before it is issued, even if you check out okay on the first review of your form. I don't believe there is a requirement that you have to be in a particular community in order to have your firearms acquisition certificate application processed. Thank you.

**MR. SPEAKER:**

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

Question 488-12(7): Appointments Of Community Justices of the Peace

**MR. PATTERSON:**

Thank you, Mr. Speaker. To the Minister of Justice. I intended to ask this question during consideration of the main estimates yesterday, but we were so eager to pass the Minister's budget I forewent my opportunity. What I would like to ask the Minister today has to do with the appointment of the community justices of the peace. How does the Minister, who I believe makes these appointments, obtain advice from communities about JP candidates in a particular community? Thank you.

**MR. SPEAKER:**

Minister of Justice, Mr. Kakfwi.

Return To Question 488-12(7): Appointments Of Community Justices of the Peace

**HON. STEPHEN KAKFWI:**

Thank you, Mr. Speaker. There is a document that we have prepared, a letter that informs Members of the process that we use to find potential people in the communities who are considered good candidates to serve as justices of the peace, and also the steps that we take to consult with communities on the bodies or the persons who we consult in the communities in trying to acquire potential names and also in trying to establish that people who have been recommended and who have expressed an interest in serving are approved by people in the communities. If I find that document within the next half hour, I will be able to table it before the end of the afternoon. Thank you.

**MR. SPEAKER:**

Supplementary, Mr. Patterson.

Supplementary To Question 488-12(7): Appointments Of Community Justices of the Peace

**MR. PATTERSON:**

Thank you, Mr. Speaker. I'm actually quite familiar with the process, in which I think there is very effective community consultation in the appointment of a JP. I guess sometimes we ask questions knowing the answer so that we can then ask the supplementary. Mr. Speaker, my supplementary is I am very pleased with the way local input is sought, but I would like to ask the Minister what happens when a JP appointed on the recommendation of his community, presumably based on his local knowledge of that community

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and respect in that community, then moves to another community, perhaps hundreds of miles away? Does that person remain a JP in the new community even though he or she may be unknown in the new community? Thank you.

**MR. SPEAKER:**

Mr. Kakfwi.

**HON. STEPHEN KAKFWI:**

Mr. Speaker, due to the low mobility rate of our JPs, I would say the question is a new one to me. I'm not certain that there is any clear answer to that. I will take it as notice and get back to the Member.

**MR. SPEAKER:**

Thank you. The question is taken as notice. Item 6, oral questions. Item 7, written questions. Item 8, returns to written questions. Item 9, replies to opening address. Item 10, petitions. Item 11, reports of standing and special committees. Item 12, reports of committees on the review of bills. Item 13, tabling of documents. Mr. Todd.

ITEM 13: TABLING OF DOCUMENTS

**HON. JOHN TODD:**

Thank you, Mr. Speaker. Today I wish to table Tabled Document 101-12(7), Mineral Royalties: A Comparison of the NWT Mineral Royalty Regime with other Canadian and International Jurisdictions. Mr. Speaker, this fulfils the commitment I made to Mr. Ballantyne earlier in this session. Thank you.

**MR. SPEAKER:**

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

**HON. RICHARD NERYSOO:**

Thank you, Mr. Speaker. I wish to table the following document: Tabled Document 102-12(7), Final Report of the NWT Survey of Research Activities Conducted in 1993, Science Institute of the Northwest Territories.

**MR. SPEAKER:**

Item 13, tabling of documents. Ms. Cournoyea.

**HON. NELLIE COURNOYEA:**

Thank you, Mr. Speaker. I wish to table two documents. Tabled Document 103-12(7), Department of Health and Social Services organizational chart.

Tabled Document 104-12(7), Annual Report on the Implementation of the Nunavut Land Claim Agreement, July 9, 1993 to March 31, 1994. Thank you.

**MR. SPEAKER:**

Thank you. Item 13, tabling of documents. Item 14, notices of motion. Mr. Koe.

ITEM 14: NOTICES OF MOTIONS

Motion 20-12(7): Support For Western NWT Constitutional Process And Principles

**MR. KOE:**

Mahsi, Mr. Speaker. Mr. Speaker, I give notice that on Monday, June 5 1995, I will move the following motion: I move, seconded by the honourable Member for Baffin Central, that this Assembly recommends that the following 12 draft principles approved by the CDSC be used as the basis to guide the western constitutional process:

1. The CDSC is working towards establishing an innovative constitution and structure of government for a western territory;
2. The new government will represent and serve all residents of the western territory.
3. There will be community, central and regional government institutions.
4. The constitution of the western territory will be consistent with the constitution of Canada, including the Charter of Rights and Freedoms.
5. The constitution of the western territory will recognize and affirm, and accommodate to the maximum extent possible, existing aboriginal and treaty rights, including modern treaties and aboriginal peoples' inherent right of self-government;
6. The new system of government will include aboriginal government institutions as well as public government institutions;
7. The new government will recognize self-government agreements negotiated by aboriginal peoples and Canada;
8. A division of powers will be developed with a view to allowing authority to be exercised by the level of government which is able to deliver a service most effectively and efficiently;
9. Based on public involvement and direction, and the support of aboriginal governments and the Legislative Assembly, the CDSC will continue to guide the constitutional process to its conclusion;
10. The public will be involved through information distribution, community meetings, regional workshops and constitutional conferences, and residents of the western territory will have the opportunity to ratify a final constitutional package;

11. The CDSC is committed to having a new constitution and structure of government for the western territory in place for the division of the Northwest Territories planned for 1999;

12. The federal government will enact legislation to implement the territorial constitution and aboriginal self-government agreements, and therefore, it must be involved in the western constitutional process;

And further, that this Assembly:

1. Recommends that the principles for the structure of government for the new western territory identified in the consensus emerging from the first constitutional conference be used as the basis for continuing the CDSC process;

2. Endorses the continuation of the CDSC process to ensure ongoing public consultation and discussion and

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progress on the development, ratification and implementation of a proposal for a constitution and structure of government for the new western territory; and

And further, that this Assembly recommends that the Government of Canada and the Government of the Northwest Territories consider providing an appropriate level of funding to the CDSC to conclude the western constitutional process.

Mr. Speaker, at the appropriate time, I will be seeking unanimous consent to deal with my motion today. I made an error on my seconder; the seconder should be the honourable Member for Baffin Central. Thank you.

---Applause

**MR. SPEAKER:**

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

**HON. STEPHEN KAKFWI:**

Mr. Speaker, I wish to seek unanimous consent to go back to tabling of documents.

**MR. SPEAKER:**

The Minister is seeking unanimous consent to return to item 13, tabling of documents. Do we have any nays? There are no nays. Mr. Kakfwi, proceed.

REVERT TO ITEM 13: TABLING OF DOCUMENTS

**HON. STEPHEN KAKFWI:**

Mr. Speaker, I wish to table Tabled Document 105-12(7), a letter that I received from the chief of Fort Good Hope, the chief of the K'asho Got'ine Charter Community Council, which indicates the support of that council for the legislation proposed by MLA, Charles Dent. It goes on to say that the community has adopted a zero-tolerance declaration and urges our elected leaders to set an example for all people in the communities in ending violence. Thank you.

**MR. SPEAKER:**

Thank you. Item 13, tabling of documents. Item 15, notices of motions for first reading of bills. We'll take a 15 minute break.

---SHORT RECESS

**MR. SPEAKER:**

We're on item 16, motions. Motion 18-12(7). Mrs. Marie-Jewell.

ITEM 16: MOTIONS

**MRS. MARIE-JEWELL:**

Thank you, Mr. Speaker. I'd like to ask your indulgence to defer this motion. I know it can't be deferred because it is the second day of being on the order paper, but I would prefer to put forward this motion in June when we reconvene. Thank you. It is just due to the cold that I have.

**MR. SPEAKER:**

Thank you. Your motion will be dropped from the order paper. Item 16, motions. Mr. Koe.

**MR. KOE:**

Thank you, Mr. Speaker. Mr. Speaker, I seek unanimous consent to deal with my motion on the western constitutional process today.

**MR. SPEAKER:**

Thank you. The Member for Inuvik is seeking unanimous consent. Are there any nays? There are

no nays. Please proceed, Mr. Koe. There are no nays. Mr. Koe, proceed.

Motion 20-12(7): Support For Western NWT Constitutional Process And Principles, Carried

**MR. KOE:**

Mahsi cho. Thank you, colleagues, for allowing me to proceed with this very important motion.

WHEREAS the Constitutional Development Steering Committee (CDSC) was formed to design, implement and guide the process of developing a constitution and structure of government for the new western territory, which will be created upon division of the Northwest Territories on April 1, 1999;

WHEREAS the first constitutional conference was very successful, resulting in 22 points of emerging consensus on principles for the structure of government for the new western territory and direction to the CDSC to continue and complete the western constitutional process;

WHEREAS it is imperative that the western constitutional process continue in order to ensure the development, ratification and implementation of appropriate structures of government for the western territory by April 1, 1999;

AND WHEREAS this is an urgent matter of major political significance in the western NWT;

NOW THEREFORE I MOVE seconded by the honourable Member for Baffin Central, that this Assembly recommends that the following 12 draft principles approved by the CDSC be used as the basis to guide the western constitutional process.

Mr. Speaker, at this time, I would like to request unanimous consent to have the 12 principles that I read when I gave notice be considered read and printed in Hansard.

**MR. SPEAKER:**

Thank you. Do we have unanimous consent? We do. Mr. Koe, continue.

**MR. KOE:**

Thank you, Mr. Speaker.

1. The CDSC is working towards establishing an innovative constitution and structure of government for a western territory;

2. The new government will represent and serve all residents of the western territory.

3. There will be community, central and regional government institutions.

4. The constitution of the western territory will be consistent with the constitution of Canada, including the Charter of Rights and Freedoms.

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5. The constitution of the western territory will recognize and affirm, and accommodate to the maximum extent possible, existing aboriginal and treaty rights, including modern treaties and aboriginal peoples' inherent right of self-government;

6. The new system of government will include aboriginal government institutions as well as public government institutions;

7. The new government will recognize self-government agreements negotiated by aboriginal peoples and Canada;

8. A division of powers will be developed with a view to allowing authority to be exercised by the level of government which is able to deliver a service most effectively and efficiently;

9. Based on public involvement and direction, and the support of aboriginal governments and the Legislative Assembly, the CDSC will continue to guide the constitutional process to its conclusion;

10. The public will be involved through information distribution, community meetings, regional workshops and constitutional conferences, and residents of the western territory will have the opportunity to ratify a final constitutional package;

11. The CDSC is committed to having a new constitution and structure of government for the western territory in place for the division of the Northwest Territories planned for 1999;

12. The federal government will enact legislation to implement the territorial constitution and aboriginal self-government agreements, and therefore, it must be involved in the western constitutional process;

FURTHERMORE, that this Assembly:

1. Recommends that the principles for the structure of government for the new western territory identified in the consensus emerging from the first constitutional conference be used as the basis for continuing the CDSC process;

2. Endorses the continuation of the CDSC process to ensure ongoing public consultation and discussion and progress on the development, ratification and implementation of a proposal for a constitution and structure of government for the new western territory; and,

AND FURTHER, that this Assembly recommends that the Government of Canada and the Government of the Northwest Territories consider providing an appropriate level of funding to the CDSC to conclude the western constitutional process.

Mahsi.

**MR. SPEAKER:**

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

**MR. KOE:**

Mahsi, Mr. Speaker. I would just like to make some comments on the background leading up to this motion and the process we've been following in the development of the constitutional process and principles in the western Arctic.

There has been a long history of support by the federal and territorial governments and this Assembly for the western constitutional development process. The Government of the Northwest Territories and Legislative Assembly supported the Constitutional Alliance, which included the Western Constitutional and Nunavut Constitutional Forums, from 1982 to 1989.

The Iqaluit agreement between the WCF and the NCF in 1989 was endorsed in the Legislative Assembly. The principles established in the Iqaluit agreement are consistent with the 12 draft principles approved by the CDSC in December 1993, and are consistent with the points of consensus which emerged from the CDSC's first constitutional conference last January.

Canada committed itself to division by initialling the TFN Act in 1990 and by signing the final agreement and passing the Nunavut Act. The federal and

territorial governments and the Legislative Assembly support the principle for dividing the Northwest Territories, which resulted in the passage of the Nunavut Act in 1993. That committed Canada to division of the Northwest Territories into two new territories on April 1, 1999.

This means two new territories, each with its own system of government, including support for eastern and western constitutional processes leading to proposals for structures of government in each new territory. The Government of the Northwest Territories and this Assembly have reconfirmed their commitment to the western process by:

1. Helping to form and participate in a western committee of political leaders in March 1991;

2. Establishing and funding a Bourque Commission for constitutional development in 1991 and 1992;

3. The Legislative Assembly was a major proponent of expanding the committee of political leaders to become the now Constitutional Development Steering Committee in November 1992, and all the 14 western MLAs are Members of that committee;

4. The Legislative Assembly formally accepted the Bourque Commission report and referred it to the CDSC to serve as a starting point to develop a constitution and structure of government for the western territory in November 1992;

5. The Government of the Northwest Territories funded nine organizations involved in the CDSC process to research and propose means of implementing self-government in the context of a western territory; and,

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6. The CDSC, including its majority membership of western MLAs approved a workplan and 12 principles to guide its efforts in December 1993. These principles are consistent with the Iqaluit agreement, the Bourque Commission report and the points of emerging consensus from the first constitutional conference.

There has also been considerable support from the federal Minister of Indian and Northern Affairs, the Honourable Ron Irwin, for the CDSC's activities in the past year and in the many statements that the honourable Minister of Indian Affairs has made to

various groups across the Northwest Territories. I would like to quote some of the comments the Minister has made in his letters and statements which support the ongoing process.

On June 27, 1994, the Minister wrote a letter to the chairman of the CDSC, and I quote:

"I am fully supportive of the process that the committee envisions for the development of a structure of government and constitution for the new western territory." He also states: "Where the CDSC is vitally important is in ensuring the numerous parties in the north come together to shape a common vision of how their interests fit within the context of a single, effective and affordable territorial government structure within the western NWT."

Also at the first constitutional conference, the honourable Minister made some comments, and I would like to quote some of these: "I am here with Jean Chretien's lifelong commitment. My mandate is simple: implement his commitment to the north." Another quote:

"Here in the western territory, the Government of Canada supports, as does the Government of the Northwest Territories, the concept of one territorial government, a government which reflects a relationship among aboriginal and non-aboriginal residents. It is my belief and that of the Government of Canada that a single territorial government in the west is the way to ensure effective government. A single government does not mean that people cannot have control over regional or local interests. I support decentralization when it is consistent with good government and fiscal responsibility."

The Minister also referred to the timing of the constitutional process and opportunities. He talked about windows of opportunity, and I quote:

"How long can we have this window? These windows disappear and we would be fools not to go through the window while it exists. I see this all over the country, the time to move is now. We are committed to building a new partnership with aboriginal peoples that is based on trust, mutual respect and participation in the decision-making process."

The Minister also stated: "I am confident that a unique arrangement will emerge that will meet the distinct needs of northerners. This conference is evidence of the commitment to harmonizing the interests of all northerners." And finally: "The CDSC process

provides a great opportunity. It is an opportunity, and it is something that we have to make work.

It is an opportunity for all western NWT residents to help shape their new governments."

Mr. Speaker, those were a few excerpts from remarks made by the Honourable Ron Irwin in addressing the western constitutional conference and from some of the letters he sent to various groups in the north.

In conclusion, Mr. Speaker, I would like to say that the CDSC's first constitutional conference was very successful. It met its objectives and resulted in the identification of 22 major points of consensus, and it requires our continued support. Commitment to a western constitutional process linked to division goes back much further than the commitment to fund the CDSC in the past year. There has been a growing commitment by Canada, the Government of the Northwest Territories, and this Legislature, which began as far back as 1982.

Mr. Speaker, two acceptable territorial governments must be in place by April 1, 1999: Nunavut and the yet-to-be-named new western territory. This is an urgent matter and one of major political significance to not only the west but also to the east. Therefore, I seek the support of this Assembly for the continuation of the western constitutional process in order to ensure the development of a new constitution and appropriate structures of government for the western Northwest Territories by the April 1, 1999 deadline, and by supporting this motion, we in the Northwest Territories give direction to the Government of Canada to continue their support for the development of the new western territory. Mahsi.

---Applause

**MR. SPEAKER:**

Thank you. Secunder of the motion, Ms. Mike.

**MS. MIKE:**

Thank you, Mr. Speaker. The Members of Nunavut Caucus are pleased to support this motion...

---Applause

...in acknowledgement of the fact that the division of the Northwest Territories in 1999 not only creates Nunavut but a western territory as well. Many of the same issues and concerns that are facing the development of public government in the east are

being dealt with in the west. Consultation, cooperation and consensus are key elements in shaping our governments. The Nunavut Caucus is pleased to endorse a process that employs these elements as the foundation for achieving a fair, equitable and representative public government in the west. When the process for division began, there was a commitment that east and west would work together in the spirit of cooperation and support. This spirit has endured and will endure as we move closer to our goals, Nunavut and the western territory. Thank you, Mr. Speaker.

---Applause

**MR. SPEAKER:**

To the motion.

**AN HON. MEMBER:**

Question

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**MR. SPEAKER:**

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

---Carried

---Applause

**MR. SPEAKER:**

Item 16, motions. Item 17, first reading of bills. Item 18, second reading of bills. Item 19, consideration in committee of the whole of bills and other matters: Bill 13, An Act to Amend the Fair Practices Act; p Bill 16, An Act to Amend the Retirement Plan Beneficiaries Act; Bill 26, An Act to Amend the Jury Act; Bill 27, An Act to Amend the Land Titles Act; Bill 30, Deficit Elimination Act; 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; Committee Report 5-12(7), Report on the Review of Rewriting the Liquor Laws of the Northwest Territories: A Legislative Action Paper; Committee Report 6-12(7), Report on the Review of the Legislative Discussion Paper on the Draft of the New Education Act;

Committee Report 7-12(7), Report on the Second Annual Report, 1993-94, of the Languages Commissioner of the NWT, with Mr. Ningark in the chair.

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

**CHAIRMAN (Mr. Ningark):**

The committee will come back to order. What is the wish of the committee? Mr. Koe.

**MR. KOE:**

Mahsi, Mr. Chairman. In committee of the whole today, the committee would like to do the following: Bill 28, Bill 30, Bill 16, Bill 27, Bill 13, Committee Report 7-12(7), and, if we still have time and energy, Committee Report 6-12(7).

---Laughter

**CHAIRMAN (Mr. Ningark):**

Thank you. Mr. Koe is recommending that we will deal with, in this order, Bill 28, Bill 30, Bill 16, Bill 27, Bill 13, and Committee Report 7-12(7), and, if we still have some life in us, Committee Report 6-12(7). Do we have the concurrence of the committee that we will deal with the matters in this order?

**SOME HON. MEMBERS:**

Agreed.

---Agreed

Bill 28: An Act To Amend The Legislative Assembly And Executive Council Act

**CHAIRMAN (Mr. Ningark):**

Thank you. Mr. Pollard, we are going to proceed to deal with Bill 28, An Act to Amend the Legislative Assembly and Executive Council Act. Mr. Pollard.

Minister's Introductory Remarks

**HON. JOHN POLLARD:**

Thank you, Mr. Chairman. I am pleased to introduce a bill to amend the Legislative Assembly and Executive Council Act.

This act, Mr. Chairman, was developed in response to a Standing Committee on Finance recommendation

that the Legislative Assembly and Executive Council Act be amended to give the Premier the authority to discipline and dismiss Ministers.

Currently, Mr. Chairman, the act stipulates that Ministers hold office at the pleasure of the Legislative Assembly.

Mr. Chairman, the amendment maintains the existing accountability to the House; however, it adds a provision whereby the Premier can recommend that the Commissioner revoke the appointment of a Minister should it become necessary to do so for disciplinary purposes.

The bill, as proposed, will accomplish what the standing committee has recommended. Mr. Chairman, if there are any questions, at the appropriate time I will endeavour to answer them. Thank you.

**CHAIRMAN (Mr. Ningark):**

Thank you, Mr. Minister. On behalf of the committee which reviewed Bill 28, Mr. Whitford, I believe you have some remarks to make.

Standing Committee On Legislation Comments

**MR. WHITFORD:**

Thank you, Mr. Chairman. Mr. Chairman, the Standing Committee on Legislation has completed its review of Bill 28, An Act to Amend the Legislative Assembly and Executive Council Act. The committee held its public hearings on April 24, 1995. The standing committee did receive one presentation from Mr. Henry Zoe, representing the Standing Committee on Finance. Bill 28 would amend the current act to allow the Commissioner to revoke the appointment of a Member of the Executive Council upon the advise of the Premier.

In principle, the committee fully supports this measure. The committee feels that it provides a level of Cabinet accountability and allows for disciplinary measures to be taken when the House is not sitting; however, it is the opinion of the Standing Committee on Legislation that Bill 28 does not go far enough in addressing true Cabinet accountability. The standing committee strongly feels that if the Premier is granted the authority to revoke appointments of Cabinet, then he or she should also be provided with the authority to appoint the Members to those Cabinet positions. Therefore, the Standing Committee on Legislation recommends a motion: that the government begin

immediately to draft a further amendment to the Legislative Assembly and Executive Council Act that would enable the Commissioner, upon recommendation of the Premier, to appoint Members of the Assembly to the Executive Council.

On April 24, 1995, the standing committee passed a motion that Bill 28, An Act to Amend the Legislative Assembly and Executive Council Act, was ready for consideration in committee of the whole, which we are doing today. So we have a motion, Mr. Chairman.

**CHAIRMAN (Mr. Ningark):**

Thank you, Mr. Whitford. Please proceed with your motion.

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Committee Motion 45-12(7): To Draft Amendments To Bill 28 Allowing Premier to Select Cabinet, Carried

**MR. WHITFORD:**

Thank you, Mr. Chairman. Mr. Chairman, I move that the government begin immediately to draft a further amendment to the Legislative Assembly and Executive Council Act that would enable the Commissioner, upon recommendation of the Premier, to appoint Members of the Assembly to the Executive Council.

**CHAIRMAN (Mr. Ningark):**

Thank you, Mr. Whitford. The motion is in order. To the motion. Do we have a quorum? Yes, we have a quorum. To the motion. I'm told that copies have already been provided in the context of the remarks by Mr. Whitford, and I am informed that the motion is also translated into the appropriate language; it is a tradition that we translate it into Inuktitut. To the motion. Member for Thebacha.

**MRS. MARIE-JEWELL:**

Thank you, Mr. Chairman. Being a Member of the committee, I fully support the motion. Thanks.

**CHAIRMAN (Mr. Ningark):**

Thank you. Mr. Zoe.

**MR. ZOE:**

Thank you, Mr. Chairman. I disagree with the recommendation from the Standing Committee on



Finance that if this motion passes, that means we're going towards party politics where we would be letting the Premier select Cabinet Ministers. The position from my area and some of my colleagues on this side of the House is we agree that we don't want to go too far with the particular amendment we have in front of us. I think, to a certain extent, it gives authority to the Premier to dismiss.

Members will recall that in between sessions is when we have a problem. The problem I don't have to indicate, but we ran into a number of problems within this 12th Assembly where the Premier had her hands tied; even though she received unsigned letters of resignation she couldn't discipline those particular Ministers. Because of that, the Standing Committee on Finance has indicated that we should make provisions in the Legislative Assembly and Executive Council Act so the Premier would have that authority, but not to give her the full authority to hire and fire the Ministers. I wouldn't want to bind the hands of the 13th Assembly, I would prefer to leave that discussion to the next group coming in to determine how they would select the Premier or the process they would like to use. There are a number of options available to them, and I feel that making this type of recommendation now would mean that the government would have to react to this particular recommendation and bring forward amendments in our June session. That would definitely tie the hands of the next people coming in to determine what process they want to use.

In that respect, Mr. Chairman, I will not be supporting this particular recommendation by the Standing Committee on Legislation. Thank you.

**CHAIRMAN (Mr. Ningark):**

Thank you, Mr. Zoe. To the motion.

**SOME HON. MEMBERS:**

Question.

**CHAIRMAN (Mr. Ningark):**

Question is being called. All those in favour of the motion, please signify in the usual manner. All those opposed, please signify. The motion is carried.

---Carried

Bill 28, An Act to Amend the Legislative Assembly and Executive Council Act, is fairly short; however, I would offer the Minister the opportunity to bring in his

witnesses to allow the Members to make general comments.

**HON. JOHN POLLARD:**

Yes, I would, Mr. Chairman. Thank you.

**CHAIRMAN (Mr. Ningark):**

Thank you. Do we have the concurrence of the committee that the Minister bring in the witnesses?

**SOME HON. MEMBERS:**

Agreed.

---Agreed

**CHAIRMAN (Mr. Ningark):**

Thank you. Proceed.

Thank you. Mr. Minister, for the record, please introduce the witness to the committee.

**HON. JOHN POLLARD:**

Thank you, Mr. Chairman. I have with me Mr. Mark Aitken, legislative counsel from the Department of Justice, Government of the Northwest Territories. Thank you, Mr. Chairman.

**CHAIRMAN (Mr. Ningark):**

Thank you. Welcome to the committee, Mr. Aitken. The floor is now open for general comments. Can we have order here, please? Order. General comments.

**AN HON. MEMBER:**

Clause by clause.

Clause By Clause

**CHAIRMAN (Mr. Ningark):**

I hear clause by clause. We shall get into clause by clause. We are proceeding clause by clause on Bill 28. Clause 1. Mr. Zoe.

Committee Motion 46-12(7), To Refer Bill 28 To Standing Committee On Legislation, Defeated

**MR. ZOE:**

Mr. Chairman, I think a number of Members have concerns pertaining to this bill. Therefore, I move that Bill 28, An Act to Amend the Legislative Assembly

and Executive Council Act, be referred back to the Standing Committee on Legislation.

**CHAIRMAN (Mr. Ningark):**

Do we have a quorum here? There is no quorum so I shall ring the bell. Order; can we have order here? To the motion. It is not debatable. All those in favour of the motion? All those opposed? Point of order, Member for Thebacha.

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Point Of Order

**MRS. MARIE-JEWELL:**

There's so much discussion here, Mr. Chairman, I can't hear clearly. Can you tell us what the motion is, please, with regard to this? Thank you.

**CHAIRMAN (Mr. Ningark):**

Thank you. I believe the motion moved by Mr. Zoe is to refer Bill 28, An Act to Amend the Legislative Assembly and Executive Council Act, to the Standing Committee on Legislation. All those in favour? All those opposed? The motion is defeated.

---Defeated

Can we have order here, please? Clause 1. Yes, Member for Thebacha.

**MRS. MARIE-JEWELL:**

Mr. Chairman, this particular clause, this whole bill, has caused some concern and I want you to know, just for the record, some of the concerns that I had expressed. First of all, in order to alleviate the concerns, we brought forth this motion. I think this clause in itself is only trying to give the authority to the Premier on a piecemeal basis. It's not giving her the full authority, the proper authority and accountability.

This bill, as it is, is asking that she be given the authority to revoke appointments of Cabinet. We all know that every Cabinet Member is appointed by the Legislative Assembly. I felt it was unfair that she be given the authority to revoke an appointment without having the ability to appoint those Members accordingly. I felt that we have had an understanding that we gave her extra powers in order to be able to revoke appointments by requesting undated resignations from each of her Ministers. With that, that is how she would address it if she had to revoke

an appointment. I feel that, as the bill is being presented, it does not address the total concerns of the Assembly. I feel that the bill in itself should bring in an amendment that would give the Premier the authority to appoint Ministers and, at the same time, revoke appointments as she or he deems required.

I think, simultaneously, these two bills should come in together and it's unfortunate that it hasn't gone back to committee because if this motion had passed, they could come in simultaneously to address both of those concerns. That's what's causing the confusion in the House on this particular bill. It's only dealing with the problem on a piecemeal basis, and we're trying to give it a Band-Aid solution. Those are my comments on that particular bill. Thank you.

**CHAIRMAN (Mr. Ningark):**

Thank you. Clause 1. Mr. Ballantyne.

**MR. BALLANTYNE:**

Thank you, Mr. Chairman. Mr. Chairman, unfortunately, this one got a little bit sidetracked. Because Members had concerns, I had no problem with it going back to committee but that was defeated. Basically, the way I see it, the first part will be passed now and then we'll have another shot at the further amendment in June. If Members don't like that part, they can vote against it in June. I'm going to support it, Mr. Chairman.

**CHAIRMAN (Mr. Ningark):**

Thank you. Clause 1. Mr. Patterson.

**MR. PATTERSON:**

Thank you, Mr. Chairman. I agree with the Member for Yellowknife North that we've been distracted by the committee's motion about future amendments. What we should be addressing today is the amendment to the act before the House. Mr. Chairman, all I want to say about that is that I think the Legislative Assembly of the Northwest Territories has already expressed, in the Territorial Leadership Committee in the fall of 1987, its wish that the then Government Leader, now Premier, should have authority to monitor the performance and discipline Members of the Executive Council. That motion was approved by the Territorial Leadership Committee in the fall of 1987.

I think this amendment to the Legislative Assembly and Executive Act simply gives voice to the earlier

stated intention of the Legislative Assembly that it would be consistent with responsible government that the head of Cabinet, the chair of the Executive Council, should have increased authority to discipline and hold Members of the Executive Council accountable for their actions to the Government Leader.

Mr. Chairman, I think this is just formalizing what the Assembly has already accepted and adopted eight years ago. It's just giving expression to that resolution that was adopted earlier by the Assembly. Thank you, Mr. Chairman.

**CHAIRMAN (Mr. Ningark):**

Thank you, Mr. Patterson. Clause 1. Mr. Antoine.

**MR. ANTOINE:**

Thank you, Mr. Chairman. The Standing Committee on Finance asked for some sort of authority for the Premier to discipline the Members of the Cabinet and for the government to come forward with Bill 28. This one here gives the authority to the Premier to revoke the appointment of a person under section 1. That was for disciplinary action.

Now the report of the Standing Committee on Legislation goes further than that, where it's given direction to the government to draft a further amendment that would enable the Premier to appoint Members of the Assembly. I have a difficult time with that and I don't think the Members here had time to talk about it. I didn't know this bill was going to...This wasn't in the document. I just received it today, this motion. It was never explained to me by any Member of the Standing Committee on Legislation that this motion was in place. If I had known that, I would have put some thought into it. However, that didn't happen and so it is causing me some problems with trying to support this bill, even though it came from the Standing Committee on Finance regarding disciplinary actions.

I have some problems with that. If it was clear-cut and went back to the committee, we would have further time to deal with this, but it seems the majority here just want to rush through it. What I see in future years, through the Deficit Elimination Act that we have agreed on, is that it will give direction to the next government and the Minister of Finance. Now we're giving a lot of authority to the Premier to dismiss Cabinet Members. There is also direction for further

amendments to be drafted so the Premier will be able to appoint Members.

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It's going to change the whole way this Legislative Assembly works, especially the Cabinet, the next time around and I don't know if I want to go that far. We've talked about it, yes; we've talked about this possibility, and the direction that was suggested from SCOF was to give a little more authority to the Premier so that if the Premier has problems with future Cabinet Members, there is a way to deal with that. That was as far as we could go, but now we're piecemealing it. We're dealing with an amendment here that would dismiss Executive Council Members and then we're looking to another amendment down the line to give authority to the Premier to hire these people.

So we're firing these people before we hire them.

---Laughter

I don't know. I don't see the logic of it. If we're going to do it together, then we should take it back to the committee and do it right the first time. Thank you.

**CHAIRMAN (Mr. Ningark):**

Thank you. I believe the honourable Minister would like to respond. Mr. Minister.

**HON. JOHN POLLARD:**

Mr. Chairman, I think we've done this once before this session. If Members would feel more comfortable, I will not proceed with third reading of this bill until the other issue is cleared up. If it clears committee of the whole, I'll hold this amendment and not go to third reading until the other issue has been taken care of. That may speed things up, Mr. Chairman, thank you.

**CHAIRMAN (Mr. Ningark):**

Thank you. Clause 1 of Bill 28.

**SOME HON. MEMBERS:**

Agreed.

---Agreed

**CHAIRMAN (Mr. Ningark):**

Clause 2.

**SOME HON. MEMBERS:**

Agreed.

---Agreed

**CHAIRMAN (Mr. Ningark):**

The bill as a whole.

**SOME HON. MEMBERS:**

Agreed.

---Agreed

**CHAIRMAN (Mr. Ningark):**

Does the committee agree that Bill 28, An Act to Amend the Legislative Assembly and Executive Council Act, is ready for third reading?

**SOME HON. MEMBERS:**

Agreed.

---Agreed

**CHAIRMAN (Mr. Ningark):**

Thank you. Bill 28 is now ready for third reading. Thank you. Qujannamiik. I would like to thank the honourable Minister. Member for Thebacha.

**MRS. MARIE-JEWELL:**

Mr. Chairman, it is my understanding from Mr. Pollard's comments to us that this bill would be held until the amendments came forth. Is that not correct? So therefore, this bill would not be ready for third reading, is that correct?

**CHAIRMAN (Mr. Ningark):**

Thank you. Mr. Minister.

**HON. JOHN POLLARD:**

Mr. Chairman, the same as we did before earlier this session, yes, the bill is ready for third reading but the government will not proceed with third reading of the bill until the other issues have been resolved. Thank you, Mr. Chairman.

Bill 30: Deficit Elimination Act

**CHAIRMAN (Mr. Ningark):**

Thank you. The honourable Minister will remain in the chair because I believe that the Minister is also

responsible for Bill 30, Deficit Elimination Act. Mr. Minister, do you have opening remarks?

Minister's Introductory Remarks

**HON. JOHN POLLARD:**

Thank you, Mr. Chairman. Mr. Chairman, the purpose of the Deficit Elimination Act is to avoid a large government deficit and require that any deficit that is incurred in one year be offset by an equivalent surplus in the following year.

Mr. Chairman, the government's limited tax revenue and our primary dependence on federal funding do not enable the territories to service debt to the same extent as other jurisdictions. As a result, debt, Mr. Chairman, must be avoided at all costs. The act in its current form has been jointly developed by the government and the Standing Committee on Finance. It contains, Mr. Chairman, challenging fiscal provisions and substantive measures to hold the government accountable.

I will try to answer any questions that Members may have, Mr. Chairman. Thank you.

**CHAIRMAN (Mr. Ningark):**

Thank you. On behalf of the Standing Committee on Finance, which reviewed the particular bill, Mr. Antoine, do you have opening remarks?

Standing Committee On Finance Comments

**MR. ANTOINE:**

Thank you, Mr. Chairman. There is a little confusion here about the procedures. I'm not an expert on the procedures of the House, so I just needed a little bit of help here. Regarding Bill 30, Deficit Elimination Act, Mr. Chairman, we gave a report on it yesterday. I would like to thank the Minister of Finance for working with the Standing Committee on Finance to come to a consensus on that. The committee is now prepared to support this bill with the amendments we have recommended to the Minister. Thank you.

**CHAIRMAN (Mr. Ningark):**

Thank you. Do we have any general comments on Bill 30 from the committee?

**AN HON. MEMBER:**

Clause by clause.

Clause By Clause

**CHAIRMAN (Mr. Ningark):**

Okay, I hear a request to go clause by clause. Bill 30, Deficit Elimination Act. Clause 1.

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**SOME HON. MEMBERS:**

Agreed.

---Agreed

**CHAIRMAN (Mr. Ningark):**

Thank you. Clause 2 of Bill 30.

**SOME HON. MEMBERS:**

Agreed.

---Agreed

**CHAIRMAN (Mr. Ningark):**

Thank you. Clause 3. Ms. Mike.

**MS. MIKE:**

Thank you, Mr. Chairman. I just want to make a few comments, for the record, about this particular bill because I have some concerns. As you know, I am a Member of the Standing Committee on Finance, to which I was appointed recently. I wasn't a participant right from the beginning on this particular bill; it was recommended by the Standing Committee on Finance to the government when I was a Cabinet Member.

The problem I have with it concerns the area of the bill where the Cabinet is the only body that will be accountable should we have a deficit by 1997-98. Mr. Chairman, from my understanding of consensus government, which our government is -- a one-party system -- it is important to me that this be recorded. I think it would be fair that all 24 Members should be accountable, should we have a deficit by the year 1997-98. I say this because in our system we have standing committees that fully participate in government operations and make recommendations to the government that might result in incurring additional expenditures of this particular government. With the practice we have been carrying out, all 24 Members have selected the Cabinet. To hold only eight out of 24 accountable is not responsible, in my eyes.

As I stated previously, the standing committees of Finance or Legislation recommendations can result in additional expenditures of the government. For these reasons, I wanted to make this comment on the record, Mr. Chairman. Although I do support the principle of the bill, I have some concerns, especially in the area where only Cabinet Members will be held accountable should we have a deficit situation by the year 1997-98. I think it should be all 24 Members. Rightly so, it should be 24, Mr. Chairman, because here we are, we're still sitting at the end of April. We were supposed to finish by April 13th. We're still incurring additional costs. The longer we sit here the more money we're spending. These are the concerns I have that I wanted to say to this House. Thank you.

**CHAIRMAN (Mr. Ningark):**

Thank you. Although the comment made by Ms. Mike on accountability is not directly in clause 3, I will allow the question in this case because it's indirectly part of the bill. Mr. Patterson.

**MR. PATTERSON:**

Thank you, Mr. Chairman. Since Ms. Mike has raised the question, I would like to ask the Minister of Finance whether there are provisions in this bill, or there are provisions that he will propose in this bill, which will make it clear that the responsibility for elimination of the deficit is that of the Legislative Assembly as well as that of the Cabinet itself. Is there a way that question can be dealt with and recognized in this bill? Thank you.

**CHAIRMAN (Mr. Ningark):**

Thank you. Mr. Minister.

**HON. JOHN POLLARD:**

Mr. Chairman, not specifically in the bill, but my understanding is that after clause 6, the chairman of the Standing Committee on Finance will ask for unanimous consent to ask for some whereases to the bill, and perhaps those whereases will address that particular issue. Thank you, Mr. Chairman.

**CHAIRMAN (Mr. Ningark):**

Thank you. Clause 3. Mr. Koe.

**MR. KOE:**

In clause 3, it talks about some restriction in clause 3(3), saying there may not be a deficit in the 1998-99

fiscal year. During the past five years we have been accumulating debt and accumulating a deficit. We've incurred, I believe, over \$150 million of debt in the last four or five years. Next year, we're projecting another \$50 million plus. How does this bill account for accumulated deficits, accumulated debt?

**CHAIRMAN (Mr. Ningark):**

Thank you. Honourable Minister.

**HON. JOHN POLLARD:**

Mr. Chairman, the act comes into force April 1, 1996 so it does not deal with any accumulated debt. Thank you, Mr. Chairman.

**CHAIRMAN (Mr. Ningark):**

Thank you. Clause 3. Honourable Member for Inuvik.

**MR. KOE:**

Is the honourable Minister of Finance saying that effective April 1, 1996 this government shall be debt free?

**CHAIRMAN (Mr. Ningark):**

Honourable Minister of Finance.

**HON. JOHN POLLARD:**

Mr. Chairman, that would be my hope. I realize what Mr. Koe is saying, that we are facing some very tough times. It has been talked about that there may have to be \$100 million cut. Probably those numbers being thrown around are alarming people, but let's just say if it's even \$60 million, it's still a lot of money. I would think that at that time when that issue is addressed, the accumulated debt should be addressed at that time as well. I would hope that the next government would be able to put in place a budget that obeys this act and, at the same time, addresses the accumulated debt of that particular time. Thank you, Mr. Chairman.

**CHAIRMAN (Mr. Ningark):**

Thank you. Clause 3. The honourable Member for Inuvik.

**MR. KOE:**

That's my concern. What happens if it doesn't? What happens come April 1, 1996? There is an election in

the fall, there could be a new slate of officers coming into a government that has an accumulated debt. Decisions are made all the time that impact ongoing years in terms of contracts, commitments and what not. A lot of the people -- and Ms. Mike referred to it - - are impacted by no design of their own, it's just a timing thing. I'm just wondering how this was accounted for in this bill. We're putting the onus on the Ministers, and rightly so because they're in the inner circle; they make the big decisions and get paid the big dollars. But all 24 Members are involved in approving the budget. So it's ludicrous to say we're going to fire all 24 Members because they incurred a deficit. I'm just making a point to support what Becky had said.

I'm just wondering how this was delivered in this bill and whether or not the amendments are going to address this.

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**CHAIRMAN (Mr. Ningark):**

Thank you. On the accountability, Mr. Minister.

**HON. JOHN POLLARD:**

Thank you, Mr. Chairman. Mr. Chairman, I think the purpose of the bill and the consultations with the government and Standing Committee on Finance was not to allow deficits to keep climbing and climbing and climbing. I think what we're looking at right now: if there is an accumulated deficit, a debt at the time of division, then that debt would be divided up along with the assets of the Northwest Territories. That's the way that would be dealt with. But the purpose was not to allow that to grow any larger than it is at the present time, Mr. Chairman.

With regard to accountability, I think the government does recognize that we are accountable to this Legislative Assembly, but at the same time we also recognize that we're a minority government.

I think Members have to realize that each time we have tried to cut and we have tried to do something serious about reducing certain areas of the budget, the first thing we know, people are on their feet saying, no, you can't do that; we don't want that to happen. So it makes it very difficult for us to make those tough decisions simply because, as I've been told many times and understand, 15 out-vote eight just about every time.

So I think there was an honest effort by the government and the Standing Committee on Finance to start to recognize that we're in this thing together and to draw our attention to this issue by saying there is a law on the books that says that we can't do this. It would work equally well for Ministers as well as Members, and there would at least be some document that you can point to and say, we're not allowed to do that; we should be acting responsibly and we shouldn't be getting ourselves into these situations.

As far as Members of the House being accountable as well, I think their accountability will be on the day they pass the budget. In other words, presumably they would not pass a budget that was outside the parameters of this particular bill, and of course, Ministers then would be accountable between sessions or between budget sessions simply because they would know that they could not go outside the parameters of this bill. They would be accountable to the Legislative Assembly at the earliest opportunity after the Speaker had received the year-end accounts.

Again, Mr. Speaker, with regard to accountability, I think the bill is fair. It recognizes that if there was a serious epidemic and the government had to spend millions of dollars on a particular issue...Let's say the city of Yellowknife was threatened by fire and we had to spend millions of dollars protecting Yellowknife, that would be seen to be something out of the norm and the Legislative Assembly would be able to recognize that and say that's an abnormal occurrence and there's not a question of confidence in the government.

So I think it's as close as we can get, although Mr. Koe is correct. It does not recognize the accumulated debt, and as I said before, I think the feeling there is if it's as small as it is right now, it would be divided up by some method at the time of division. Thank you, Mr. Chairman.

**CHAIRMAN (Mr. Ningark):**

Thank you. Because acts of God are always the exception to the rule in this case. Clause 3. Agreed?

**SOME HON. MEMBERS:**

Agreed.

---Agreed

**CHAIRMAN (Mr. Ningark):**

Thank you. Clause 4. Mr. Koe.

**MR. KOE:**

This clause, Clause 4(1), states that the Minister shall provide the interim public accounts. Is that realistic, six months after year-end? I guess it's got to be. It's going to be in law. But currently you can't do it.

**CHAIRMAN (Mr. Ningark):**

Thank you. Mr. Minister.

**HON. JOHN POLLARD:**

Yes, we believe that's possible, Mr. Chairman. In fact, the interim public accounts will be the non-consolidated financial statements of the Government of the Northwest Territories, and we believe it is possible to lay that before the Speaker within 180 days of the end of the fiscal year. Thank you, Mr. Chairman.

**CHAIRMAN (Mr. Ningark):**

Thank you. Clause 4.

**SOME HON. MEMBERS:**

Agreed.

---Agreed

**CHAIRMAN (Mr. Ningark):**

Thank you. Clause 5 of Bill 30. Agreed?

**SOME HON. MEMBERS:**

Agreed.

---Agreed

**CHAIRMAN (Mr. Ningark):**

Qujannamiik. Yes, Mr. Koe.

**MR. KOE:**

Clause 5, what does that mean? Clause 4 states the Speaker shall receive the accounts and lay them before the Assembly, then the Assembly shall consider within five sitting days. Does that mean the Speaker tables them in the House or does that mean the committee has to deal with them and report them within five days? What, specifically, does that clause mean?

**CHAIRMAN (Mr. Ningark):**

Thank you. Mr. Minister, I will allow you, at your discretion, if you want to assign the response to your staff. Mr. Minister.

**HON. JOHN POLLARD:**

Mr. Chairman, thank you very much. Within 180 days, the Minister of Finance will provide to the Speaker the interim public accounts and the Speaker shall lay those accounts before the Legislative Assembly as soon as reasonably practical; and I view that in the form of tabling, Mr. Chairman. Immediately after they're tabled, they would be moved to committee of the whole and the Legislative Assembly shall then consider the interim public accounts within five sitting days.

So once they're in the House and into committee of the whole, the Legislative Assembly committee of the whole will deliberate

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on the public accounts within five days after they're laid before the Legislative Assembly. Thank you, Mr. Chairman.

**CHAIRMAN (Mr. Ningark):**

Qujannamiik. Clause 5. Mr. Koe.

**MR. KOE:**

There is a process now, because they are interim public accounts, where they should be referred to the Public Accounts committee, wouldn't they? Wouldn't they get to deal with it, or which committee deals with it within that five days? You are putting the onus on a standing committee which has to deal with it within five days and report, and then the Assembly has to deal with it. So I am just trying to get clear in my head which committees we are talking about. Who is the onus on? Is it on the Standing Committee on Finance or the Standing Committee on Public Accounts, and how does that then tie in to our current process for dealing with these reports?

**CHAIRMAN (Mr. Ningark):**

I believe there are financial implications here. Mr. Minister.

**HON. JOHN POLLARD:**

Thank you, Mr. Chairman. This does not take away from any of the committee duties that are there at the present time. The committee I was referring to was committee of the whole; in other words, the whole of the Legislative Assembly.

The issue that they would address, Mr. Chairman, is whether or not the public accounts exceeded, or there was a deficit indicated in the public accounts that exceeded the amount of this bill. Presumably, if it was within the targets, then the committee would dispense with it immediately.

So all the committee of this Legislative Assembly, which is committee of the whole, would be dealing with is whether or not the Public Accounts indicated that there was a deficit, and if it was within the parameters of this particular bill. As far as all the other issues are concerned with the public accounts and the public accounts committee, they would still do their work in the regular manner. Thank you, Mr. Chairman.

**CHAIRMAN (Mr. Ningark):**

Clause 5. Do we agree with Clause 5?

**SOME HON. MEMBERS:**

Agreed.

--Agreed

**CHAIRMAN (Mr. Ningark):**

Thank you very much. Clause 6 of Bill 30. I have Mr. Antoine.

**MR. ANTOINE:**

Mr. Chairman, if Clause 6 been agreed upon, I...Did we agree to Clause 6?

**AN HON. MEMBER:**

No.

**MR. ANTOINE:**

Mr. Chairman, I was going to ask, if Clause 6 was agreed upon, which I assumed it was but now I am told that it wasn't yet, so perhaps I will wait until it's been agreed upon before I proceed. Thank you.

**CHAIRMAN (Mr. Ningark):**

I have not ruled that Clause 6 is approved. Mr. Koe.



**MR. KOE:**

On the bill it lays some extreme penalties in case of incurring deficits. What happens in the reverse? What if they get surpluses? Will everybody get bonuses?

---Laughter

**CHAIRMAN (Mr. Ningark):**

Thank you. Clause 6. Order, please. Order. Mr. Antoine.

**MR. ANTOINE:**

Mr. Chairman, I seek unanimous consent to introduce a motion to add a preamble to Bill 30, the Deficit Elimination Act. Thank you.

**CHAIRMAN (Mr. Ningark):**

Thank you. The honourable Member for Nahendeh is seeking unanimous consent. Do we have unanimous consent?

**SOME HON. MEMBERS:**

Agreed.

---Agreed

**CHAIRMAN (Mr. Ningark):**

Mr. Antoine, please proceed with your motion.

Committee Motion 47-12(7): To Add Preamble To Bill 30, Carried

**MR. ANTOINE:**

Thank you, colleagues. Mr. Chairman, I move that Bill 30 be amended by adding the following after the title "Motion, Deficit Elimination Act," that Bill 30 be amended by adding the following after the title:

Whereas the Legislative Assembly recognizes the creation of the Nunavut territory and the new western territory in 1999;

Whereas the Legislative Assembly recognizes that it will be necessary to divide the assets and liabilities of the Northwest Territories in a fair and equitable manner in preparation for division of the Northwest Territories;

Whereas the Legislative Assembly is aware of its responsibility to ensure that no significant financial burden encumbers either the Nunavut territory or the new western territory;

Whereas the Legislative Assembly commits, in principle, to the concept of a balanced budget."

Thank you, Mr. Chairman.

**CHAIRMAN (Mr. Ningark):**

Thank you, Mr. Antoine. 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

The bill as a whole, as amended.

**SOME HON. MEMBERS:**

Agreed.

---Agreed

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**CHAIRMAN (Mr. Ningark):** Qujannamiik. Does the committee agree that Bill 30 is now ready for third reading, as amended?

**SOME HON. MEMBERS:**

Agreed.

---Agreed

**CHAIRMAN (Mr. Ningark):**

Bill 30 is now ready for third reading, as amended. We're dealing with the next item. I would like to thank the Minister and the witness for appearing before the committee. Thank you, Mr. Pollard.

Bill 16: An Act to Amend the Retirement Plan Beneficiaries Act

The next item was Bill 16, An Act to Amend the Retirement Plan Beneficiaries Act. Mr. Kakfwi.

Minister's Introductory Remarks

**HON. STEPHEN KAKFWI:**

Thank you, Mr. Chairman. Our Retirement Plan Beneficiaries Act provides that the owners of certain retirement and pension plans may designate a beneficiary who would receive the benefits of such a plan, in the event that the owner of a plan died without a will. Our act is based on uniform legislation developed in the 1970s by representatives of the federal, provincial and territorial governments. The intention was that the owner of a registered retirement savings plan, or an RRSP, could designate a beneficiary without a will in the same manner as other pension plans.

Recent cases in Alberta, Manitoba, and Ontario have raised questions about the effectiveness of such designation of beneficiaries with respect to these funds. All other jurisdictions with wording similar to that in our act have now amended their legislation to make it clear that RRSPs could be covered by a designation. Most have also passed amendments to cover registered retirement income funds, or RRIFs.

In the Northwest Territories, members of the public presently designate beneficiaries under the impression that their designation is effective. At least one bank has circulated a caution to customers that such designations may not be effective. This is the sort of matter which the public would expect to be uniform across Canada because RRSPs are portable and marked nationally.

The amendment would remove all doubt about this matter and the public and vendors of these plans would have the comfort that designations of beneficiaries for RRSPs and RRIFs are legally secure. The amendment would also allow for the Commissioner and Executive Council to include future plans and funds in the definition of "plans" by order so that amendments will not be required when new types of plans are developed which do not fit neatly into the definition of "plans" in the act. For example, RRIFs did not exist when the legislation was developed in the 1970s.

Mr. Chairman, if there are any questions, I shall be happy to ask my officials to help me answer them. Thank you.

**CHAIRMAN (Mr. Ningark):**

Thank you. On behalf of the Standing Committee on Legislation, Mr. Whitford, do you have opening comments?

Standing Committee On Legislation Comments

**MR. WHITFORD:**

Thank you, Mr. Chairman. Mr. Chairman, the Standing Committee on Legislation has completed its review of Bill 16, An Act to Amend the Retirement Plan Beneficiaries Act. The committee held a public hearing on this bill on Monday, March 27, 1995, in Yellowknife. The Minister of Justice attended to present the bill and respond to the concerns of the committee.

The committee did not receive any presentations from the public on this bill. The standing committee was satisfied that the proposed amendments will serve to clarify that retirement saving plans and retirement income funds are plans for which northerners have the right to designate a beneficiary in the same manner as other pension plans. The committee was also assured that a beneficiary could include any legal entity, including charities.

After careful consideration, the Standing Committee on Legislation is pleased to support these amendments. Mr. Chairman, that concludes the standing committee's report on Bill 16, An Act to Amend the Retirement Plan Beneficiaries Act. On March 27, 1995, the committee passed a motion that this bill be reported to the Legislative Assembly as ready for consideration in committee of the whole. Thank you.

**CHAIRMAN (Mr. Ningark):**

Thank you. Mr. Minister has indicated that he wants to bring in the witnesses. Do we have agreement?

**SOME HON. MEMBERS:**

Agreed.

---Agreed

**CHAIRMAN (Mr. Ningark):**

Proceed, Mr. Minister. Sergeant-at-Arms, please escort the witnesses.

Thank you. Mr. Minister, please introduce the witnesses for the record.

**HON. STEPHEN KAKFWI:**

Thank you, Mr. Chairman. On my right is legislative counsel, Diane Buckland and on my left is Gerald Sutton, director of policy and planning for the Department of Justice.

**CHAIRMAN (Mr. Ningark):**

Thank you. We are dealing with Bill 16, An Act to Amend the Retirement Plan Beneficiaries Act. The floor is now open for general comments.

**AN HON. MEMBER:**

Clause by clause.

Clause By Clause

**CHAIRMAN (Mr. Ningark):**

There is a request to go clause by clause, we shall go clause by clause. Clause 1.

**SOME HON. MEMBERS:**

Agreed.

---Agreed

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**CHAIRMAN (Mr. Ningark):** Thank you. Clause 2.

**SOME HON. MEMBERS:**

Agreed.

---Agreed

**CHAIRMAN (Mr. Ningark):**

Thank you. Clause 3.

**SOME HON. MEMBERS:**

Agreed.

---Agreed

**CHAIRMAN (Mr. Ningark):**

The bill as a whole.

**SOME HON. MEMBERS:**

Agreed.

---Agreed

**CHAIRMAN (Mr. Ningark):**

Does the committee agree that Bill 16 is ready for third reading?

**SOME HON. MEMBERS:**

Agreed.

---Agreed

**CHAIRMAN (Mr. Ningark):**

Bill 16 is now ready for third reading. I want to thank the Minister and the witnesses for appearing before the committee.

Bill 27: An Act To Amend The Land Titles Act

Thank you. Now we will be dealing with Bill 27, An Act to Amend the Land Titles Act. The Honourable Stephen Kakfwi, the Minister, are you ready for opening remarks?

Minister's Introductory Remarks

**HON. STEPHEN KAKFWI:**

Thank you, Mr. Chairman. The primary purpose of this bill is to allow the transfer of documents into the land titles system where these documents are presently filed with a government department administering land, but the documents do not meet the current requirements of the Land Titles Act.

These changes are now essential because of this government's obligation under the Nunavut land claims agreement to transfer most of the land within the built up area of each municipality to the municipality. These transfers are to be subject to the existing interests of third parties and, in fact, much of this land has been leased to residents and businesses in the community. The department administering the lease has allowed those who have had dealings with the lessee, for example, a mortgagee or a person taking an assignment of the lease, to deposit their documents in the government files. Since the land is not within the land titles system, most of these documents were not drafted to comply with the requirements of the Land Titles Act and, therefore, cannot presently be registered.

These amendments to the act would change some of these requirements and add some new options in

order to provide a means by which officials of the Department of Municipal and Community Affairs may transfer documents on their records to the land titles office without the active participation of the owners of the third-party interests. At the same time, the amendments are drafted to ensure that the priority and validity of each of these interests is maintained and the integrity of the land title system is not compromised.

Those amendments which have been included in the bill but which are not related to the primary purpose of the bill are either technical changes in keeping with developments in the general law in this area or are of a housekeeping nature. A draft of this bill was circulated to those directly affected by the proposed changes. Response has been positive with the only alterations on the draft bill being technical changes to clarify the intent of certain sections. I would be pleased, once again, to respond to questions that Members may have, with the help of my officials. Thank you.

**CHAIRMAN (Mr. Ningark):**

Thank you. On behalf of the Standing Committee on Legislation, I would like to ask Mr. Whitford, do you have any opening comments?

Standing Committee On Legislation Comments

**MR. WHITFORD:**

Thank you, Mr. Chairman. There's been a number of difficulties in bringing Nunavut lands into the land titles system. The difficulties arise while attempting to transfer interests that are on record in the territorial lands system and put them in the land titles system. The amendments contained in Bill 27 are intended to deal with the problems that have been encountered when attempting to bring instruments and other registrations from one system to the other.

The committee supports the amendments which allow for the transfer of documents from one system to another while ensuring that third-party interests are preserved and the integrity of the land titles system is protected. On March 29, 1995, the committee passed a motion that Bill 27, An Act to Amend the Land Titles Act, was ready for consideration in committee of the whole. That's the end of our report, Mr. Chairman.

**CHAIRMAN (Mr. Ningark):**

Thank you. I would now like to ask the Minister to bring in his witnesses if he so wishes. Do we have

the concurrence of the committee that the honourable Minister shall bring in his witnesses?

**SOME HON. MEMBERS:**

Agreed.

---Agreed

**CHAIRMAN (Mr. Ningark):**

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

**HON. STEPHEN KAKFWI:**

Mr. Chairman, on my right, Diane Buckland, legislative council. On my left, Gary MacDougall, director of legal registries.

**CHAIRMAN (Mr. Ningark):**

Thank you. Do we have general comments from the floor? Mr. Zoe.

General Comments

**MR. ZOE:**

Mr. Chairman, if I could ask how the interim action affects the amendments that are being proposed.

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**CHAIRMAN (Mr. Ningark):**

Thank you. The honourable Minister.

**HON. STEPHEN KAKFWI:**

Mr. MacDougall will answer the question.

**MR. MACDOUGALL:**

I'm sorry, Mr. Chairman, I didn't quite catch the question.

**CHAIRMAN (Mr. Ningark):**

Thank you. Mr. Zoe, please repeat the question.

**MR. ZOE:**

Mr. Chairman, we're amending the Land Titles Act to do a number of things. My question was regarding interim land protection that certain groups have in certain areas which would also include municipal lands in some cases, and so forth. How does that tie

in with what's being proposed here? Does it have any impact on interim land protection?

**CHAIRMAN (Mr. Ningark):**

Merci. Mr. MacDougall.

**MR. MACDOUGALL:**

This bill has no impact on that particular aspect of land tenure. The ability of the government or the instances in which the government decides that they want to deal with land is unaffected by the bill. Once they've made the decision, then this bill simply provides options which don't currently exist to deal with those interests, but it doesn't add or change anything in relation to the interim protection of lands that might be subject to claims.

**CHAIRMAN (Mr. Ningark):**

Thank you. Clause 1. Mr. Zoe.

**MR. ZOE:**

Say a specific area has interim protection. We make reference to leases that could be transferred to another third party. We talk about lands being transferred or given up. By making these amendments, if somebody wants to transfer a lease of land to another person while the interim protection was in that area, would that still occur or would the government not even deal with it if there is interim land protection in place?

**CHAIRMAN (Mr. Ningark):**

Thank you. Through the honourable Minister, Mr. MacDougall.

**MR. MACDOUGALL:**

Thank you, Mr. Chairman. At the moment, such a transfer of a lease would be permitted and would be recorded in, generally speaking, the records of Municipal and Community Affairs. Once they had taken steps to have the land entered into the land title system, the same transfer with the same effect would take place simply within the land titles system. Thank you, Mr. Chairman.

Clause By Clause

**CHAIRMAN (Mr. Ningark):**

Thank you. Clause 1. Agreed?

**SOME HON. MEMBERS:**

Agreed.

---Agreed

**CHAIRMAN (Mr. Ningark):**

Thank you. Clause 2. Agreed?

**SOME HON. MEMBERS:**

Agreed.

---Agreed

**CHAIRMAN (Mr. Ningark):**

Thank you. Clause 3 of Bill 27. Agreed?

**SOME HON. MEMBERS:**

Agreed.

---Agreed

**CHAIRMAN (Mr. Ningark):**

Thank you. Clause 4. Do we have agreement?

**SOME HON. MEMBERS:**

Agreed.

---Agreed

**CHAIRMAN (Mr. Ningark):**

Thank you. Clause 5. Agreed?

**SOME HON. MEMBERS:**

Agreed.

---Agreed

**CHAIRMAN (Mr. Ningark):**

Thank you. Clause 6. Agreed?

**SOME HON. MEMBERS:**

Agreed.

---Agreed

**CHAIRMAN (Mr. Ningark):**

Thank you. Clause 7.

**SOME HON. MEMBERS:**

Agreed.

---Agreed

**CHAIRMAN (Mr. Ningark):**

Qujannamiik. Clause 8.

**SOME HON. MEMBERS:**

Agreed.

---Agreed

**CHAIRMAN (Mr. Ningark):**

Merci. Clause 9.

**SOME HON. MEMBERS:**

Agreed.

---Agreed

**CHAIRMAN (Mr. Ningark):**

Merci. Clause 10.

**SOME HON. MEMBERS:**

Agreed.

---Agreed

**CHAIRMAN (Mr. Ningark):**

Thank you. Clause 11.

**SOME HON. MEMBERS:**

Agreed.

---Agreed

**CHAIRMAN (Mr. Ningark):**

Qujannamiik. Clause 12. Mr. Dent. I guess Mr. Dent was signalling to one of the Pages. We'll continue. Clause 12.

**SOME HON. MEMBERS:**

Agreed.

---Agreed

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**CHAIRMAN (Mr. Ningark):** Thank you. Clause 13.

**SOME HON. MEMBERS:**

Agreed.

---Agreed

**CHAIRMAN (Mr. Ningark):**

Thank you. Clause 14.

**SOME HON. MEMBERS:**

Agreed.

---Agreed

**CHAIRMAN (Mr. Ningark):**

Thank you. Clause 15.

**SOME HON. MEMBERS:**

Agreed.

---Agreed

**CHAIRMAN (Mr. Ningark):**

Thank you. Clause 16.

**SOME HON. MEMBERS:**

Agreed.

---Agreed

**CHAIRMAN (Mr. Ningark):**

Thank you. Clause 17.

**SOME HON. MEMBERS:**

Agreed.

---Agreed

**CHAIRMAN (Mr. Ningark):**

Qujannamiik. Clause 18.

**SOME HON. MEMBERS:**

Agreed.

---Agreed

**CHAIRMAN (Mr. Ningark):**

Thank you. Clause 19.

**SOME HON. MEMBERS:**

Agreed.

---Agreed

**CHAIRMAN (Mr. Ningark):**

Thank you. Clause 20.

**SOME HON. MEMBERS:**

Agreed.

---Agreed

**CHAIRMAN (Mr. Ningark):**

Qujannamiik. Clause 21.

**SOME HON. MEMBERS:**

Agreed.

---Agreed

**CHAIRMAN (Mr. Ningark):**

Thank you. Clause 22.

**SOME HON. MEMBERS:**

Agreed.

---Agreed

**CHAIRMAN (Mr. Ningark):**

Thank you. Clause 23.

**SOME HON. MEMBERS:**

Agreed.

---Agreed

**CHAIRMAN (Mr. Ningark):**

Thank you. Clause 24.

**SOME HON. MEMBERS:**

Agreed.

---Agreed

**CHAIRMAN (Mr. Ningark):**

Thank you. Clause 25.

**SOME HON. MEMBERS:**

Agreed.

---Agreed

**CHAIRMAN (Mr. Ningark):**

Thank you. Clause 26.

**SOME HON. MEMBERS:**

Agreed.

---Agreed

**CHAIRMAN (Mr. Ningark):**

Clause 27. Mr. Zoe.

**MR. ZOE:**

Mr. Chairman, could I ask why only certain sections of the act are going to come into force by order of the Commissioner?

**CHAIRMAN (Mr. Ningark):**

Thank you. Mr. Minister.

**HON. STEPHEN KAKFWI:**

Mr. Chairman, I understand that certain sections require regulations to be done and put into effect. That is the reason. Some of these require regulations to be drafted.

**CHAIRMAN (Mr. Ningark):**

Thank you. Clause 27.

**SOME HON. MEMBERS:**

Agreed.

---Agreed

**CHAIRMAN (Mr. Ningark):**

Thank you very much. Bill as a whole.

**SOME HON. MEMBERS:**

Agreed.

---Agreed

**CHAIRMAN (Mr. Ningark):**

Thank you. Does the committee agree that Bill 27 is ready for third reading?

**SOME HON. MEMBERS:**

Agreed.

---Agreed

**CHAIRMAN (Mr. Ningark):**

Thank you. Bill 27 is now ready for third reading. I would like to thank the honourable Minister and the witnesses for appearing before the committee.

Bill 13: An Act To Amend The Fair Practices Act

As in the order recommended by the honourable Mr. Koe, we will now deal with Bill 13, An Act to Amend the Fair Practices Act. I believe the appropriate Minister to introduce the bill is Mr. Kakfwi.

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Minister's Introductory Remarks

**HON. STEPHEN KAKFWI:**

Thank you, Mr. Chairman. Bill 13, An Act to Amend the Fair Practices Act, is the subject of extensive review before the Standing Committee on Legislation.

The proposed amendments were drafted to clarify the application of the present act, and provide greater assurance to the public of the independence and impartiality of the fair practices officer who investigates and resolves complaints under the act.

When I appeared before the Standing Committee on Legislation, the committee Members had a number of recommendations to make as to possible amendments to Bill 13 and ways in which the selection process for an independent fair practices officer might be improved. Since then, I have indicated to the standing committee and repeat to you my commitment to providing the services of the fair practices officer in the official languages, as required by the Official Languages Act, and to enhancing the public profile of the Fair Practices Act and the fair practices office.

When I appeared before the standing committee, I listened attentively to the views of committee Members, union representatives and other individuals

on the need for more comprehensive human rights legislation in the Northwest Territories. While the present government cannot bind future governments to a particular course of action, we will undertake to begin the process of developing new human rights legislation, with a view to bringing forward a legislative action paper early in the life of the next government. If this initiative is taken as seriously by the new government as its subject matter warrants, it will result in new human rights legislation being passed early in the term of the new government. In the meantime, we will concentrate our attention on ensuring the effective operation of the presentation of the present act and increasing public awareness of human rights issues in general.

The Fair Practices Act prohibits discrimination on a number of grounds which appear in human rights legislation in every Canadian jurisdiction. There is a large body of case law interpreting each ground of discrimination. Other Canadian jurisdictions use the term "family status" to describe one of those grounds. The present territorial act uses the term "family." An amendment is proposed to make the prohibited grounds of discrimination in the present act consistent with the standard grounds in other Canadian jurisdictions.

The proposed amendments also provided for increased independence and impartiality of the fair practices officer. The fair practices officer investigates complaints of discrimination and employment, accommodation in the provision of public services. To avoid any appearance of bias in the appointment of the officer, it is proposed that the fair practices officer be appointed by the Commissioner and Executive Council, rather than by the Minister of Justice, as is presently the case.

The Government of the Northwest Territories is an employer, landlord and provider of services. The proposed amendments, combined with the intention to contract for the services of a fair practices officer who is not a government employee, will make the fair practices officer more independent of government. This will provide complainants with a fairer and more timely process to deal with their complaints. As part of the fair practices officer's increased independence and impartiality, the proposed amendments provide for greater powers and flexibility in investigations, mediations and enquiry through hearings.

The amendments also provide for increased enforceability of the orders of the fair practices officer. Orders will be registerable with the Territorial Court of



the Northwest Territories. Once again, these amendments are aimed at assuring all parties to a complaint are being dealt with in an independent, unbiased and timely manner by the fair practices officer.

The standing committee's report to this committee recommends a number of minor changes to the bill and one additional clause that is intended to address the standing committee's concern, that in certain circumstances it may be desirable to proceed with a complaint although the complainant may wish to withdraw the complaint.

The bill, as recommended by the standing committee, provides a discretion to the fair practices officer to proceed with a complaint if it is in the best interest of the public at large, provided that so proceeding would not have an undue, adverse impact on a person who made the original complaint. Mahsi, Mr. Chairman.

**CHAIRMAN (Mr. Ningark):**

Thank you. Chairman of the Standing Committee on Legislation, Mr. Whitford.

Standing Committee On Legislation Comments

**MR. WHITFORD:**

Thank you, Mr. Chairman. Mr. Chairman, we have a report of some substance, some length. The report on Bill 13, An Act to Amend the Fair Practices Act.

The Standing Committee on Legislation has completed its review of Bill 13, An Act to Amend the Fair Practices Act. The committee held its public hearing on January 10, 1995 and received submissions from the Minister of Justice, the Union of Northern Workers and the NWT Federation of Labour. The committee appreciated the contributions of all those who have made their presentations.

The Fair Practices Act of the NWT was enacted to recognize equal rights of all people in accordance with the universal declaration of human rights declared by the United Nations. The act is designated to protect people's rights from discrimination.

The Fair Practices Act is administered by the Department of Justice. The Minister of Justice has the authority to appoint an officer to inquire into any complaint received under the act. However, the Government of the Northwest Territories is a major employer, landlord and provider of services in the

NWT and, therefore, it was felt that the fair practices office needed to be more independent of the government. Bill 13 proposes to amend the act to provide for greater independence and impartiality of the fair practices officer.

Bill 13 proposes to further amend the act to provide the fair practices officer with the authority to make orders which are binding. These orders may be filed with the Territorial Court and may be enforced in the same manner as a judgement of

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the Territorial Court. Appeals may be submitted to the Supreme Court of the Northwest Territories.

Concerns Of The Committee

During the public hearings, it became apparent to the committee that there were a number of issues that should be addressed.

Opening Of Complaint Files

The standing committee was concerned that the fair practices officer may only open a complaint file if the complaint is received in writing. Although a person may make an enquiry by telephone, the complaint itself must be in writing. In addition, interpretation and translation services for the aboriginal languages are not readily available in the fair practices office. Together, these language and procedural issues could be seen as discriminatory to that segment of the population that does not read, write or speak English.

Therefore, the Standing Committee on Legislation recommends that the government develop an alternate process for receiving complaints which would allow for the opening of a complaint file upon a verbal submission.

Public Awareness

The standing committee heard from all witnesses that the fair practices office is not greatly publicized, to the point of it being the government's "best-kept secret" according to one presenter. A current fair practices officer informed the committee that great efforts to publicize the existence of the act and the office have never been made as the fair practices officers are not particularly anxious to encourage people to make complaints. The standing committee is of the opinion that the Fair Practices Act and the office of the fair practices officer should be brought to the public's attention through an extensive public awareness

campaign. The Minister assured the committee that a large component of the new fair practices office is a requirement that public awareness be increased. This includes developing educational materials and communicating with interests groups on human rights issues.

#### Public Interest

During its review of Bill 13, the standing committee was concerned that the act currently allows a complaint to be withdrawn by the complainant at any time. It was felt that this would not protect the public interest in all cases. The committee feels that there should be provisions for a complaint to be continued if it is in the public's best interest to do so. The Minister assured the committee that he was prepared to amend the legislation to allow the fair practices officer to proceed with a complaint if it is in the public interest and no negative impact will be felt by the complainant. Bill 13 was amended in committee to address this issue.

#### Comprehensive Human Rights Legislation

In 1984, the government tabled a document entitled Proposed Human Rights Code for the Northwest Territories, Consultation Paper. This document was to be the foundation of the development of human rights legislation for the Northwest Territories. The standing committee was concerned that we still only have partial human rights legislation. The standing committee feels there is a strong need for complete and comprehensive human rights legislation in the Northwest

Territories. Therefore, the Standing Committee on Legislation recommends:

That the government prepare and table human rights legislation within two years using Tabled Document 7-83(3) Proposed Human Rights Code for the Northwest Territories, Consultation Paper as a model.

#### Binding The GNWT

The standing committee had a great deal of difficulty with this area in the proposed bill. The NWT Interpretation Act states that no legislation will bind the Government of the Northwest Territories unless it is expressly stated in legislation. Currently, the Fair Practices Act does not expressly state that it is binding on the GNWT, one of the major employers in the territory. Bill 13 proposes to amend the current legislation to state the legislation is binding on the

Government of the Northwest Territories. This amendment is contained in clause 3 of Bill 13. The standing committee had many reservations about this clause due to the implied retroactivity of the words "for greater certainty" contained within the clause.

The government has applied to the federal court for a decision of jurisdiction on the issue of "pay equity" which was filed in 1989 by the Union of Northern Workers. The Union of Northern Workers filed their complaint with the Canadian Human Rights Commission. The government contends that the Canadian Human Rights Commission has no jurisdiction in this matter because the Northwest Territories has the Fair Practices Act, partial human rights legislation. The matter of jurisdiction is before the court at this time.

Due to the outstanding issue of jurisdiction, the standing committee is concerned that the implied retroactivity of clause 3 could influence the decision before the federal court. The committee is of the opinion that the government should not attempt to influence a decision before the courts. The committee does, however, support that the act be amended to bind the government.

This concludes the standing committee's report on the review of Bill 13, An Act to Amend the Fair Practices Act. On March 27, 1995, the standing committee passed a motion that Bill 13 was ready for consideration in committee of the whole, as reprinted.

Mr. Chairman, I have a couple of motions that I would like to make, if I may. The first motion:

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Committee Motion 48-12(7) To Change Process For Receiving Complaints And Provide Interpreter/Translator Services, Carried

The Standing Committee on Legislation recommends that the government develop an alternate process for receiving complaints which would allow for the opening of a complaint file upon a verbal submission and further, that the government insist that the fair practices office have interpretation and translation services immediately available in all of the official languages of the Northwest Territories.

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

Thank you. The motion is in order. To the motion. We don't have a quorum here.

To the motion.

**AN HON. MEMBER:**

Question.

**CHAIRMAN (Mr. Ningark):**

Question is being called. All those in favour of the motion, please signify. Opposed? The motion is carried.

---Carried

**CHAIRMAN (Mr. Ningark):**

Mr. Whitford.

Committee Motion 49-12(7): That Government Prepare Human Rights Legislation, Carried

**MR. WHITFORD:**

Merci, Monsieur President. Mr. Chairman, the Standing Committee on Legislation further recommends that the government prepare and table human rights legislation within two years using document 7-83(7) entitled "Proposed Human Rights Code for the Northwest Territories: Consultation Paper" as a model. That is my motion.

**CHAIRMAN (Mr. Ningark):**

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

**SOME HON. MEMBERS:**

Question.

**CHAIRMAN (Mr. Ningark):**

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

---Carried

The motion is already carried, Mr. Zoe.

**AN HON. MEMBER:**

(Microphone turned off)

**MR. ZOE:**

The chairman was looking at you when I had my hand up. Can you recall for a vote?

**CHAIRMAN (Mr. Ningark):**

The motion is already voted upon. General comments. I shall ask the honourable Minister to bring in the witnesses if he wants. Agreed?

**SOME HON. MEMBERS:**

Agreed.

---Agreed

**CHAIRMAN (Mr. Ningark):**

Okay.

**CHAIRMAN (Mr. Whitford):**

Thank you. Order, please. Direct your comments to the chair. Mr. Minister, would you introduce your witness to the committee, please.

**HON. STEPHEN KAKFWI:**

Thank you, Mr. Chairman. On my right is Carol Whitehouse, legislative counsel, Department of Justice.

**CHAIRMAN (Mr. Whitford):**

Thank you. Welcome, Ms. Whitehouse. Any comments on Bill 13? Does the committee agree we go clause by clause?

**SOME HON. MEMBERS:**

Agreed.

---Agreed

Clause By Clause

**CHAIRMAN (Mr. Whitford):**

Clause 1.

**SOME HON. MEMBERS:**

Agreed.

---Agreed

**CHAIRMAN (Mr. Whitford):**

Clause 2.

**SOME HON. MEMBERS:**

Agreed.

---Agreed

**CHAIRMAN (Mr. Whitford):**

Clause 3. The chair recognizes the Member for North Slave, Mr. Zoe.

**MR. ZOE:**

Mr. Chairman, I think it's either in section three or section four, with regard to the fair practices officer...It's four; it's okay, I'll wait until four.

**CHAIRMAN (Mr. Whitford):**

Thank you, Mr. Zoe. Yes, it's clause 4. Clause 3.

**SOME HON. MEMBERS:**

Agreed.

---Agreed

**CHAIRMAN (Mr. Whitford):**

Thank you. Clause 4. Now, Mr. Zoe.

**MR. ZOE:**

Mr. Chairman, under clause 4 section 5...Where am I here? For 7.9, authority of order, I want to ask the Minister, once the order is made by the fair practices officer or parties, why is the onus on the parties to file with the clerk of the territorial court?

**CHAIRMAN (Mr. Whitford):**

Back to Mr. Zoe, please.

**MR. ZOE:**

It's on page 4, under section 7.9(3). (Microphone turned off)

**CHAIRMAN (Mr. Whitford):**

Mr. Zoe, we seem to have a bit of a problem because you hesitated and we switched so we lost you. Could you please repeat your question?

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**MR. ZOE:**

Okay, rather than reading it...It's on page 4, the last paragraph. I would like to ask the Minister why the onus is on the parties to file with the territorial court. Thank you.

**CHAIRMAN (Mr. Whitford):**

Thank you, Mr. Zoe. I apologize, it was at my direction that we switched. Mr. Minister.

**HON. STEPHEN KAKFWI:**

Ms. Whitehouse will answer the question.

**CHAIRMAN (Mr. Whitford):**

Thank you. Ms. Whitehouse, if you please.

**MS. WHITEHOUSE:**

Thank you, Mr. Chairman. The reason the onus is on a party to file the order or decision with the territorial court is because it is up to the parties to enforce that order themselves. It is the same as receiving an order in a civil matter in court. If the party wants to enforce it through the methods that are available, it is up to that party.

**CHAIRMAN (Mr. Whitford):**

Thank you, Ms. Whitehouse. Mr. Zoe.

**MR. ZOE:**

Okay, so the fair practices officer is not going to be enforcing the decision that that person makes. Thank you.

**CHAIRMAN (Mr. Whitford):**

Thank you, Mr. Zoe. Ms. Whitehouse.

**MS. WHITEHOUSE:**

Thank you, Mr. Chairman. That's correct. The enforcement provisions will continue as though it was an order of the court, and the procedure for enforcing an order under the court would be the procedure for enforcing an order under this act.

**CHAIRMAN (Mr. Whitford):**

Thank you, Ms. Whitehouse. Mr. Zoe.

**MR. ZOE:**

Mr. Chairman, another question. If the onus is on the party, if I recall right, if you file with the territorial court, there is a fee prescribed. Who is going to pay that fee? Or is there going to be a fee prescribed for filing with the territorial court? Thank you.

**CHAIRMAN (Mr. Whitford):**

Thank you, Mr. Zoe. Ms. Whitehouse.

**MS. WHITEHOUSE:**

Thank you, Mr. Chairman. There is no fee prescribed under this act. If there is a fee, it would be according to the rules of the court and that would be paid by the party who would be filing the order.

**CHAIRMAN (Mr. Whitford):**

Thank you, Ms. Whitehouse. Mr. Zoe.

**MR. ZOE:**

Well, I have a problem with that, Mr. Chairman. Let me use a hypothetical situation. Say a decision was made in favour of an employee versus the employer; that means, in order to enforce the order, that employee would have to file with the territorial court to make sure the employer adheres to the order. And, in order for that individual to make the employer adhere to the order, my understanding is there is a substantial fee which has to be paid when you file these things.

I don't feel the onus should be on the poor individual the decision is in favour of. I think in those types of situations, we should make an amendment in the act to waive the fee or make the order from the fair practices officer automatically referred to the territorial court so it is deemed to be an order of the court. Thank you.

**CHAIRMAN (Mr. Whitford):**

Thank you, Mr. Zoe. Ms. Whitehouse.

**MS. WHITEHOUSE:**

Thank you, Mr. Chairman. An order of the fair practices officer could address costs of the matter. Those costs are usually the costs that are incurred to that date, they are not pending costs because a person who is the subject of an order may comply with that order without the necessity of filing it with the territorial court so that the person may not have to incur those costs.

**CHAIRMAN (Mr. Whitford):**

Thank you, Ms. Whitehouse. Mr. Zoe.

**MR. ZOE:**

If the fair practices officer doesn't put it in the terms and conditions of the order then the possibility is there that he may incur a cost for filing that order. That's my question. That's my understanding of the witness saying if the decision of the order...If the fair practices officer doesn't put it into his decision or into the order, then that poor individual whose favour the order was made in would be stuck with some costs if he wants to file it, right? Is that what you said?

**CHAIRMAN (Mr. Whitford):**

Thank you, Mr. Zoe. I think if the judgement is made in favour of the individual and if there were no provisions for order for payment -- that's the way I understand it -- there would be an additional financial burden on the person who won the order. I think that was what Mr. Zoe was saying. Mr. Minister.

**HON. STEPHEN KAKFWI:**

Mr. Chairman, the operative word in that clause that the Member has been looking at is "may;" that any party affected by the decision or order may file with the clerk of the Territorial Court. Or the case is that once an order is made, the offending party or whatever may comply without it being necessary to file with the Territorial Court. However, where there is some begrudging hesitancy to comply, then you would find it necessary to use the courts to encourage compliance. It's likely that in such a case there would be some requirement to ensure that costs incurred by the offended party should be reimbursed by someone, probably the offending party.

**CHAIRMAN (Mr. Whitford):**

Thank you, Mr. Minister. Mr. Zoe.

**MR. ZOE:**

Mr. Chairman, I understand that the order or the decision of the fair practices officer may be filed. I am more interested in if it's individuals that decisions are made in favour of.

Now, in some cases, the employer may -- I'll use the Minister's words -- comply with the order, and it may not be necessary to file it with the Territorial Court because the employer is already adhering to the decision.

But there may be some cases where one would not comply with the order. Now, in order for the individual to make the

employer comply, he or she would have to file with the Territorial Court, and once he does that he's going to incur costs. So I am saying that it's going to create hardship for this individual because this employer is not complying and there may be time delays.

So I am suggesting, why make this poor individual go through all that? Why don't we just make the fair practices officer file automatically with the Territorial Court? That's what I am suggesting, but that's not the way it's written in this particular clause. Thank you.

**CHAIRMAN (Mr. Whitford):**

Thank you, Mr. Zoe. Mr. Minister.

**HON. STEPHEN KAKFWI:**

Mr. Chairman, does the Member want someone else to take responsibility for the financial part of the initiative, and if so, who should it be?

**CHAIRMAN (Mr. Whitford):**

Thank you. Oh, I am sorry. Mr. Minister wasn't finished his comments. Mr. Minister.

**HON. STEPHEN KAKFWI:**

Yes, I was just seeking some clarification if the Member is suggesting that someone else should be responsible for the costs incurred by a party who is seeking restitution or who had a grievance under this action; and, if it should be, which party should it be that takes responsibility? Thank you.

**CHAIRMAN (Mr. Whitford):**

Thank you, Mr. Minister. Mr. Zoe.

**MR. ZOE:**

Mr. Chairman, in that scenario that I described, number one, I don't want to create hardships on the individual who the decision is in favour of, but in order to make the other party adhere to the order, once you have filed there is going to be a cost incurred. Now who is going to pay for that cost? What I am suggesting is that if either party files, maybe we should waive the fees and state it somewhere in our legislation so that they don't incur any costs. Currently, if you file something in the court, you have to pay for it. You have to incur costs. It's a fee that I

think ranges from -- I am not too sure off the top of my head if it's \$100 or \$50. I am not sure.

**CHAIRMAN (Mr. Whitford):**

Thank you, Mr. Zoe. Mr. Minister.

**HON. STEPHEN KAKFWI:**

Mr. Chairman, we will look at the rules of court, the regulations that govern that to see if we can make some changes to waive the fees in a case like this, or at least to look at perhaps ensuring that the people who have to initiate these types of actions are not incurring the costs.

**CHAIRMAN (Mr. Whitford):**

Thank you, Mr. Minister. Clause 4.

**SOME HON. MEMBERS:**

Agreed.

---Agreed

**CHAIRMAN (Mr. Whitford):**

Thank you. Clause 5.

**SOME HON. MEMBERS:**

Agreed.

---Agreed

**CHAIRMAN (Mr. Whitford):**

Thank you. Clause 6.

**SOME HON. MEMBERS:**

Agreed.

---Agreed

**CHAIRMAN (Mr. Whitford):**

Thank you. Clause 7.

**SOME HON. MEMBERS:**

Agreed.

---Agreed

**CHAIRMAN (Mr. Whitford):**

Clause 8.

**SOME HON. MEMBERS:**

Agreed.

---Agreed

**CHAIRMAN (Mr. Whitford):**

Clause 9.

**SOME HON. MEMBERS:**

Agreed.

---Agreed

**CHAIRMAN (Mr. Whitford):**

Thank you. Bill as a whole.

**SOME HON. MEMBERS:**

Agreed.

---Agreed

**CHAIRMAN (Mr. Whitford):**

Does the committee agree that Bill 13 is concluded and ready for third reading?

**SOME HON. MEMBERS:**

Agreed.

---Agreed

**CHAIRMAN (Mr. Whitford):**

Bill 13 is now ready for third reading. I take this opportunity to thank the Minister and the witnesses for assisting the committee.

Committee Report 7-12(7): Report On The Second Annual Report, 1993-94, Of The Languages Commissioner Of The NWT

Standing Committee On Agencies, Boards And Commissions Comments

**MR. KOE:**

Mr. Chairman, on April 5th the Standing Committee on Agencies, Boards and Commissions tabled its report on the review of the Second Annual Report of the Commissioner of Official Languages. The report

was read in its entirety to the House at that time. In her report, the Languages Commissioner made five recommendations and these recommendations were responded to by the Standing Committee on Agencies, Boards and Commissions.

The standing committee did not make any formal recommendations of its own in their report, so I would like to submit this report...or it has been submitted and it's available

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now for discussion if any Members wish to address components of the report. Mahsi.

**CHAIRMAN (Mr. Ningark):**

Are there any comments from Members of the committee? Do we agree then that Committee Report 7-12(7) is concluded?

**SOME HON. MEMBERS:**

Agreed.

---Agreed

Committee Report 6-12(7): Report On The Review Of The Legislative Discussion Paper On The Draft Of The New Education Act

**CHAIRMAN (Mr. Ningark):**

Thank you very much. The next item in consideration of committee of the whole of bills and other matters is Committee Report 6-12(7), Report on the Review of the Legislative Discussion Paper on the Draft of the New Education Act. Mr. Whitford.

**MR. WHITFORD:**

Thank you, Mr. Chairman. Mr. Chairman, with the committee's concurrence, I would like to ask if we could proceed with some of the committee reports.

**CHAIRMAN (Mr. Ningark):**

Thank you. Do we have the concurrence of the committee that we proceed with the report?

**SOME HON. MEMBERS:**

Agreed.

---Agreed

**CHAIRMAN (Mr. Ningark):**

Thank you. Proceed, Mr. Whitford.

Standing Committee On Legislation Comments

**MR. WHITFORD:**

Thank you, Mr. Chairman, colleagues. On March 30, 1995 the Standing Committee on Legislation tabled Committee Report 6-12(7), Report on the Review of the Legislative Discussion Paper on the Draft of the New Education Act. The report has been read into the record. The standing committee was generally very pleased with the direction proposed in the draft legislation. Although some minor revisions and adjustments were anticipated, the committee felt that the foundation for improving education in the north was presented. The committee was especially supportive of the move to vest communities with the additional responsibilities and authorities for education. This will allow community and regional priorities and differences to be reflected in education programming, while maintaining the quality and standards of a core curriculum.

As Members are aware, Bill 25, the proposed new Education Act, has been introduced and the Standing Committee on Legislation is about to embark on its public review of this important bill. This is a responsibility and a challenge that we welcome, Mr. Chairman, and we look forward to a constructive and rewarding review process that will ultimately benefit all residents of the Northwest Territories.

**SOME HON. MEMBERS:**

Hear! Hear!

**MR. WHITFORD:**

Thank you, Mr. Chairman. That's the report.

**CHAIRMAN (Mr. Ningark):**

Thank you. Do we have any general comments on Committee Report 6-12(7)? Do we agree, then that the report of the Standing Committee on Legislation, Committee Report 6-12(7), Report on the Review of the Legislative Discussion Paper on the Draft of the New Education Act, is concluded?

**SOME HON. MEMBERS:**

Agreed.

---Agreed

**CHAIRMAN (Mr. Ningark):**

Thank you very much. Now we shall proceed to Committee Report 3-12(7), Report on the Review of the Legislative Action Paper Proposing New Heritage Legislation for the Northwest Territories. Mr. Whitford.

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

**MR. WHITFORD:**

Thank you, Mr. Chairman. Mr. Chairman, I have the Standing Committee on Legislation's Report on the Review of the Legislative Action Paper Proposing New Heritage Legislation for the Northwest Territories.

Mr. Chairman, it's a bit difficult to read this with the conversations taking place.

**CHAIRMAN (Mr. Ningark):**

Can we have order here, please, to allow Mr. Whitford to read the report to the committee. I would like to remind Members to show a little respect for the chair of the Standing Committee on Legislation. Mr. Whitford.

Standing Committee On Legislation Comments

**MR. WHITFORD:**

Thank you, Mr. Chairman. Thank you, colleagues. As Members will recall, Committee Report 3-12(7), Report on the Review of the Legislative Action Paper Proposing New Heritage Legislation for the Northwest Territories, has been read into the record in its entirety. Therefore, I would like to briefly say that during the standing committee's review of the paper, a number of issues were identified and were presented in the report.

Generally, the committee felt that further consultation between the government and land settlement groups is warranted, with respect to the opinions for the designation of heritage resources on settlement lands. In addition, questions of jurisdictions, ownership and display of heritage objects and the preservation of oral histories and traditional knowledge need to be addressed through meaningful consultation as this legislation is developed.



Mr. Chairman, the committee felt that the government has made a strong beginning towards addressing the urgent need for new heritage legislation. While there's a need for further consultation in the drafting of this legislation, the committee is satisfied that the basis for the protection and preservation of our heritage resources has been presented. This is the report, Mr. Chairman. Thank you.

**CHAIRMAN (Mr. Ningark):**

Are there any general comments on Committee Report 3-12(7), or do we agree that this report is concluded?

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**SOME HON. MEMBERS:**

Agreed.

---Agreed

**CHAIRMAN (Mr. Ningark):**

Thank you very much. What is the wish of the committee? Mr. Dent.

**MR. DENT:**

Mr. Chairman, I would like to move that we report progress.

**CHAIRMAN (Mr. Ningark):**

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

---Carried

I shall rise and report progress to the Speaker.

**MR. SPEAKER:**

The committee will come back to order. We're on item 20, report of committee of the whole. Mr. Ningark.

ITEM 20: REPORT OF COMMITTEE OF THE WHOLE

**MR. NINGARK:**

Thank you, Mr. Speaker. Your committee has been considering bills 28, 30, 16, 27, 13, Committee Reports 7-12(7), 6-12(7) and 3-12(7), and would like

to report progress with four motions being adopted, that Committee Reports 7-12(7), 6-12(7) and 3-12(7) are concluded, that bills 28, 16, 27 and 13 are ready for third reading, and that Bill 30 is ready for third reading as amended. Mr. Speaker, I move that the report of committee of the whole be concurred with. Thank you.

**MR. SPEAKER:**

Thank you. Seconded by Mr. Pudluk. 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 21, third reading of bills. Mr. Pollard.

ITEM 21: THIRD READING OF BILLS

**HON. JOHN POLLARD:**

Thank you, Mr. Speaker. Mr. Speaker, I seek consent to deal with third reading of Bill 30, Deficit Elimination Act. Thank you, Mr. Speaker.

**MR. SPEAKER:**

The Member for Hay River is seeking consent to deal with Bill 30. Are there any nays? There are no nays. Mr. Pollard, proceed.

Bill 30: Deficit Elimination Act

**HON. JOHN POLLARD:**

Thank you, Mr. Speaker. I thank the Members. I move, seconded by the honourable Member for Kitikmeot, that Bill 30, Deficit Elimination Act, be read for the third time. Thank you, Mr. Speaker.

**MR. SPEAKER:**

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

**AN HON. MEMBER:**

Question.

**MR. SPEAKER:**

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

---Carried

**MR. SPEAKER:**

Bill 30 has had third reading. Item 21, third reading of bills. Mr. Kakfwi.

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**HON. STEPHEN KAKFWI:**

Mr. Speaker, I seek consent to proceed with third reading of Bill 13.

**MR. SPEAKER:**

The Member for Sahtu is seeking consent to deal with Bill 13. Are there any nays? There are no nays. Proceed, Mr. Kakfwi.

Bill 13: An Act To Amend The Fair Practices Act

**HON. STEPHEN KAKFWI:**

Mr. Speaker, I move, seconded by the honourable Member for Mackenzie Delta, that Bill 13, An Act to Amend the Fair Practices Act, be read for the third time.

**MR. SPEAKER:**

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

**MR. SPEAKER:**

Bill 13 has had third reading. Mr. Kakfwi.

**HON. STEPHEN KAKFWI:**

Mr. Speaker, I seek consent to proceed with third reading of Bill 16.

**MR. SPEAKER:**

The Member for Sahtu is seeking consent to deal with Bill 16. Are there any nays? There are no nays. Proceed, Mr. Kakfwi.

Bill 16: An Act To Amend The Retirement Plan Beneficiaries Act

**HON. STEPHEN KAKFWI:**

Mr. Speaker, I move, seconded by the honourable Member for Kitikmeot, that Bill 16, An Act to Amend the Retirement Plan Beneficiaries Act, be read for the third time.

**MR. SPEAKER:**

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

**MR. SPEAKER:**

Bill 16 has had third reading.

---Applause

Item 21, third reading of bills. Mr. Kakfwi.

**HON. STEPHEN KAKFWI:**

Mr. Speaker, I seek consent to proceed with third reading of Bill 27, An Act to Amend the Land Titles Act.

**MR. SPEAKER:**

The Member for Sahtu is seeking consent to deal with Bill 27. Are there any nays? There are no nays. Proceed, Mr. Kakfwi.

Bill 27: An Act To Amend The Land Titles Act

**HON. STEPHEN KAKFWI:**

Mr. Speaker, I move, seconded by the honourable Member for Nunakput, that Bill 27, An Act to Amend the Land Titles Act, be read for the third time.

**MR. SPEAKER:**

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

**AN HON. MEMBER:**

Question.

**MR. SPEAKER:**

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

---Carried

**MR. SPEAKER:**

Bill 27 has had third reading.

---Applause

Item 21, third reading of bills. It is my understanding that the Commissioner of the Northwest Territories is prepared to assent to bills. Mr. Clerk, will you ascertain if Her Honour, the Commissioner of the Northwest Territories, is prepared to enter the Chamber to assent to bills?

**ASSENT TO BILLS**

**COMMISSIONER MAKSAGAK:**

As Commissioner of the Northwest Territories, it gives me pleasure to assent to the following bills: Bill 1, Appropriation Act, No. 2, 1995-96; Bill 13, An Act to Amend the Fair Practices Act; Bill 16, An Act to Amend the Retirement Plan Beneficiaries Act; Bill 22, Forgiveness of Debts Act, 1994-95; Bill 23, Write-off of Debts Act, 1994-95; Bill 24, Community Employees' Benefits Act; Bill 27, An Act to Amend the Land Titles Act; and, Bill 30, Deficit Elimination Act. Thank you.

---Applause

**MR. SPEAKER:**

Mr. Clerk, orders of the day.

ITEM 22: ORDERS OF THE DAY

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

Orders of the day, **MR. SPEAKER:**

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. Petitions
11. Reports of Standing and Special Committees
12. Reports of Committees on the Review of Bills
13. Tabling of Documents
14. Notices of Motion
15. Notices of Motions for First Reading of Bills
16. Motions
17. First Reading of Bills
18. Second Reading of Bills
19. Consideration in Committee of the Whole of Bills and Other Matters
  - Bill 26, An Act to Amend the Jury Act
  - Committee Report 2-12(7), Report on the Legislative Action Paper on the Office of Ombudsman for the Northwest Territories
  - Committee Report 5-12(7), Report on the Review of Rewriting the Liquor Laws of the Northwest Territories:
    - A Legislative Action Paper
20. Report of Committee of the Whole
21. Third Reading of Bills
  - Bill 28, An Act to Amend the Legislative Assembly and

Executive Council Act

22. Orders of the Day

**MR. SPEAKER:**

Thank you, Mr. Clerk. By the authority given me by Motion 16-12(7) and Motion 19-12(7), this House stands adjourned until Monday, June 5, 1995, at 1:30 pm.

---Applause

**--ADJOURNMENT**