



**NORTHWEST TERRITORIES
LEGISLATIVE ASSEMBLY**

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HANSARD

MONDAY, JUNE 12, 1995

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The Honourable **Samuel Gargan**, Speaker

MONDAY, JUNE 12, 1995

MEMBERS PRESENT

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

ITEM 1: PRAYER

---Prayer

SPEAKER (Hon. Samuel Gargan):

Thank you, Mr. Pudluk. Orders of the day, item 2, Ministers' statements. Mr. Morin.

ITEM 2: MINISTERS' STATEMENTS

Minister's Statement 87-12(7): Sahtu Forest Fire

HON. DON MORIN:

Thank you, Mr. Speaker. I have an emergency statement. Mr. Speaker, the last week has been a hectic time for the people of Fort Norman, Norman Wells and my staff in the fire management program.

I am pleased to report today that we are winning the fire battles we face. The fire in the area of Fort Norman is in the mop-up stage and has been turned over to the community to manage with their fire crews and other extra firefighters they hire. The fire came right up to the community's doorstep but, thanks to a lot of good cooperation by the department, the community leaders and individuals who have had experience in firefighting, and contract crews including helicopter and CL-215 crews, nothing was lost except one storage shed owned by Ursus Aviation and there were no injuries to anyone. In particular, I want to thank Her Worship Mayor Lorraine Doctor who worked tirelessly both as mayor of the community and as emergency measures officer coordinator.

Our crews are successfully holding the Norman Wells fire from proceeding any further toward that community. I am confident in their strategy for fighting the fire by back burning in front of it. Nine crews are working day and night with air support in order to

complete the back bum. The latest report is that we have 80 per cent of the job already done.

Given the dry conditions we face, it is impossible to fight the fire straight on. First, the flames are at times as high as 100 feet in the air, a condition that makes it impossible for men to work on the ground in front of it and pointless to drop water or retardant on it.

Second, heavy smoke makes it often impossible to use fixed-wing aircraft. When we can use aircraft, we have four CL-215s, a DC-4 and five helicopters available. Yesterday, all of these machines were working on the fire. So far today, heavy smoke has prevented the use of fixed-wing aircraft. We could have all the DC-6s in the world on the tarmac in Norman Wells. They would not be any good to us because we cannot use them as we have adequate aircraft on the fire. Let me assure you none of our communities are unprotected.

Mr. Speaker, I spent three days at the scene last week and I can tell you we are doing everything possible and with success in managing this situation. I intend to report daily on the Norman Wells fire until it is fully under control.

Mr. Speaker, yesterday we had a fire break out a few kilometres from Fort Providence. The fire could have been a threat to the community but again, thanks to a speedy and effective response by the community, the Evergreen fire crews and our staff, we have the situation well under control.

Yesterday, we had CL-215s arrive from Newfoundland, as requested through the mutual aid resource sharing agreement, and we feel these are the best planes at this time.

The smoke you see in the air today is coming mainly from northern Saskatchewan, Alberta and a lire northwest of the Horn Plateau. Our crews protected the top of the plateau where most of the resources at risk are located and we are now only monitoring that fire.

The fire situation across the western Arctic and in the northern parts of the provinces remains critical. Everyone should refrain from open camp fires or any burning until the hot dry conditions improve. The department will continue to send out advisories. Thank you, Mr. Speaker.

---Applause

MR. SPEAKER:

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

Minister's Statement 88-12(7): Successful Completion Of Agreement With Federal Government Transferring Arctic A Airports

HON. JOHN TODD:

Thank you, Mr. Speaker. Mr. Speaker, it is my pleasure to announce formally, on behalf of the Government of the Northwest Territories, the successful completion of an agreement with the federal government for the transfer of Arctic A airports.

---Applause

Thank you. The agreement transfers ownership of the remaining nine airports in the Northwest Territories in Fort Smith, Yellowknife, Hay River, Fort Simpson, Norman Wells, InuAk, Cambridge Bay, Resolute Bay and last, but not least, Iqaluit. Along with the ownership, the agreement transfers staff of 122 employees, \$24.5 million annually for operations and maintenance and rehabilitation of the airports. As capital

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assets, the airports are worth over \$500 million and generate \$3.9 million annually in revenues.

As the Members know, this agreement has been under negotiation for the past two years. When I have been asked about the negotiations, I have always said that if we could not get a good deal for the Northwest Territories, there would be no transfer. Mr. Speaker, this is a good deal. I can assure the Members of this House that the \$24.5 million was well negotiated and will enable the Department of Transportation to maintain the airports at their current levels of service.

We are indeed fortunate to have opened the negotiations long before the federal government began seriously attacking the national debt with massive program cuts. The transfer agreement protects the airports in the Northwest Territories from budget reductions across Canada. For a jurisdiction as dependent on air services as the NWT, this is truly a significant accomplishment.

The other important aspect of the transfer I want to emphasize is the general enhancement the transfer gives to the whole territorial airport system. The Department of Transportation is now responsible for

operating all 52 public airports in the Northwest Territories as a coordinated system. Through the transfer, we have acquired a great deal of human talent, skills and expertise that we can now make available across the system to improve the airport services at the smaller airports. The larger airport system also opens up many new training and employment opportunities for northerners interested in pursuing careers in the airport operations and aviation industry generally.

As the Minister of Transportation, I would like to congratulate all those who have worked on the agreement over the past two years for a job well done. While the negotiations were led primarily by the Department of Transportation, at one stage or another, literally every government department made a contribution in bringing the negotiations to a successful conclusion.

In conclusion, Mr. Speaker, with the transfer of the Arctic A airports, the Northwest Territories brings another big piece of our transportation system under northern control and in the service of northern interests. Thank you, Mr. Speaker.

---Applause

MR. SPEAKER:

Item 2, Ministers' statements. Ms. Cournoyea.

Minister's Statement 89-12(7): Minister Absent From The House

HON. NELLIE COURNOYEA:

Mr. Speaker, I have an emergency statement. Mr. Speaker, I wish to advise Members that the Honourable Stephen Kakfwi will be absent from the House until approximately 3:30 today to tour evacuation sites set up as a result of the Sahtu forest fire. Thank you, Mr. Speaker.

MR. SPEAKER:

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

ITEM 3: MEMBERS' STATEMENTS

Member's Statement On Snare Cascades Hydro Project Ceremonial Pour Of Concrete

MR. WHITFORD:

Thank you, Mr. Speaker. Good afternoon. This past Saturday, Mr. Lewis and some other people had an opportunity to join the president of the Power Corporation, the chiefs of the Dogrib Nation and the partners of the joint venture in the ceremonial pour of concrete at the new Snare Cascades hydro project.

Mr. Speaker, I had missed the opportunity to be there when the sod-turning took place, but I was very pleased to have been invited to attend this important event. It was very important because this project is very important to the members in this area. First of all, it has provided an opportunity for members of the Dogrib Nation to participate in a project in their own area. It is good to see the employment it is providing for persons from the surrounding area and more importantly, it is going to guarantee a certain amount of electricity for our future needs not only here in Yellowknife, but to the surrounding communities north of the lake.

Mr. Speaker, it was 30 years ago that I first went to the Snare project. I was with the Power Commission at the time and I trained in hydro. At the time I was there, it was in the fall and a lot of water was going through those turbines and the river was high. This year, Mr. Speaker, it is pretty frightening to see the low water and the effect it has had on the surrounding area. The shoreline has decreased considerably and it is going to put the future of electricity from hydro, at least for this year, under some strain. But it is good to see this project is one way of capturing some of that water that would otherwise be wasted.

I would urge, having seen it first hand, Mr. Speaker, consumers in this area to conserve as much electricity as possible to ensure a safe supply over the winter. This project will be completed by next year, providing us with an additional 4.3 megawatts. In the meantime, congratulations to the chiefs and the Power Corporation on this important project. Thank you.

---Applause

MR. SPEAKER:

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

Member's Statement On Critical Forest Fire Situation
In The NWT

MRS. MARIE-JEWELL:

Thank you, Mr. Speaker. I listened with interest to the Minister's statement by the Minister responsible for forest fire management. Mr. Speaker, as we are all aware, the forest fire situation in the western territory is very critical in many areas. The dry winter and very little rainfall this year has caused an extremely dry forest in the north.

I believe one area which our government has to seriously consider working towards is creating fire breaks near many of the communities which are threatened by fire. I recognize that there have been fire breaks created by Fort Norman and Norman Wells. However, our government should consider creating more around other communities which may not have

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them, but would help firefighters in attacking fires near a community.

I recognize that fire breaks don't fully stop a fire, but it does help the firefighters tremendously when attacking a fire. Many communities along the Mackenzie Valley and south of the lake should have a fire break in the event a fire breaks out and threatens the community.

Mr. Speaker, I know in my area, where it is extremely dry and where our trees are so big compared to this area, once a fire starts, it could be very dangerous. Unfortunately, our forecast for this evening and tomorrow is that we are expecting dry electrical storms and we must be prepared.

We are very fortunate to have the Arctic College heavy equipment program in Fort Smith and I would suggest to this government to encourage using their resources to create fire breaks around communities where they are needed.

Mr. Speaker, not only will this approach give some comfort to my constituency and residents in the north, but it will allow this government to take a proactive approach at addressing one of the most expensive budgetary items in the summer months, which are forest fires. Thank you.

---Applause

MR. SPEAKER:

Members' statements. Item 4, returns to oral questions. Item 5, recognition of visitors in the gallery. Mr. Whitford.

ITEM 5: RECOGNITION OF VISITORS IN THE GALLERY

MR. WHITFORD:

Thank you, Mr. Speaker. Mr. Speaker, I would like to take this opportunity to recognize members from the NWT Council for Disabled Persons in the gallery. There is Lydia Bardak, the executive director; Mary Anne Duchesne, the national access coordinator; and, Ron Porter, who is our Yellowknife advocate. Welcome to the Legislative Assembly.

---Applause

MR. SPEAKER:

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

HON. DON MORIN:

Thank you, Mr. Speaker. I would like to recognize Eddy Powder who is a special advisor on forest fires.

---Applause

MR. SPEAKER:

Item 5, recognition of visitors in the gallery. Mrs. Marie-Jewell.

MRS. MARIE-JEWELL:

Thank you, Mr. Speaker. I, too, would like to recognize Eddy Powder, my constituent from Fort Smith, who has a wealth of experience in forest fire management. Welcome to our Assembly.

SOME HON. MEMBERS:

Hear! Hear!

---Applause

MR. SPEAKER:

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

ITEM 6: ORAL QUESTIONS

Question 571-12(7): Status Of Forest Fire Emergency Measures Procedures

MR. WHITFORD:

Thank you, Mr. Speaker. I have a question I would like to direct to the Minister responsible for emergency measures. We have quite an emergency measures operation under way evacuating those two communities. A considerable number of them have been brought to Yellowknife. How is this project operated? When you get 200 extra people in a community, there are logistics. I understand that a number of them are staying at Akaitcho Hall. With Akaitcho being closed, who is taking care of this? How is this being operated?

MR. SPEAKER:

Minister for emergency measures, Mr. Ng.

HON. KELVIN NG:

Thank you, Mr. Speaker. The evacuation of the residents to the city of Yellowknife is being coordinated locally by the local emergency measures organization. As far as the specifics about who is actually administering or looking after the Akaitcho Hall residents, I'm not positive, Mr. Speaker, so I'll take that question as notice. Thank you.

MR. SPEAKER:

The question has been taken as notice. Item 6, oral questions. Mrs. Marie-Jewell.

Question 572-12(7): Employment Status Of Bird Dog Officers

MRS. MARIE-JEWELL:

Thank you, Mr. Speaker. I've heard, with interest, comments made by the Minister responsible for forest fire management and my question is directed to him. I recognize we can't ask the Minister to confirm or deny a comment made to the media, however, Mr. Morin indicated this morning that the DC-4s are working with the Bird Dog officers. I would like to ask the Minister what is the status of the employment of the Bird Dog officers. Thank you.

MR. SPEAKER:

Minister responsible for forest fire management programs, Mr. Morin.

Return To Question 572-12(7): Employment Status Of Bird Dog Officers

HON. DON MORIN:

Thank you, Mr. Speaker. I just came back on Saturday from Norman Wells, and all four Bird Dog officers were located in Norman Wells. Thank you.

MR. SPEAKER:

Thank you. Supplementary, Mrs. Marie Jewell.

Supplementary To Question 572-12(7): Employment Status Of Bird Dog Officers

MRS. MARIE-JEWELL:

Thank you. Can he confirm to this House whether the Bird Dog officers are working with the DC 4s or only with the CL-215s. Thank you.

MR. SPEAKER:

Mr. Morin.

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Further Return To Question 572-12(7): Employment Status Of Bird Dog Officers

HON. DON MORIN:

Thank you, Mr. Speaker. Last week they were working with CL-215s. It is my understanding that the DC-4 was used for the fire yesterday, but I don't know whether the Bird Dog officers accompanied it or not. I know the department is faxing stuff down to Fort Smith today to give to the union people. That's basically what I know of that issue right now. Thank you.

MR. SPEAKER:

Thank you. Supplementary, Mrs. Marie- Jewell.

Supplementary To Question 572-12(7): Employment Status Of Bird Dog Officers

MRS. MARIE-JEWELL:

Thank you, Mr. Speaker. Can the Minister give us the status of employment with regard to Bird Dog officers? When does he anticipate they'll be back working with the DC-4s? Thank you.

MR. SPEAKER:

Mr. Morin.

Further Return To Question 572-12(7): Employment Status Of Bird Dog Officers

HON. DON MORIN:

Thank you, Mr. Speaker. It is my understanding that the DC-4s are working and that the Bird Dog officers should be accompanying them. At present in Norman Wells, there are no planes flying today because of smoke conditions, other than helicopters and there are ground crews fighting fires. The Bird Dog officers, CL-215s and DC-4s won't be flying today, unless the smoke clears. Thank you.

MR. SPEAKER:

Thank you. Final supplementary, Mrs. Marie- Jewell.

Supplementary To Question 572-12(7): Employment Status Of Bird Dog Officers

MRS. MARIE-JEWELL:

Thank you, Mr. Speaker. I asked the Minister whether or not the Bird Dog officers are working with the DC-4s. The Minister indicated they should be, but I have been advised otherwise. I would like the Minister to determine whether he can confirm for this House whether or not the Bird Dog officers are, indeed, flying with the DC-4s. Thank you.

MR. SPEAKER:

Mr. Morin.

Further Return To Question 572-12(7): Employment Status Of Bird Dog Officers

HON. DON MORIN:

Thank you, Mr. Speaker. As soon as I can confirm whether or not the Bird Dog officers are flying with the DC-4s, I will make this House aware of it. Thank you.

MR. SPEAKER:

Item 6, oral questions. Mr. Dent.

Question 573-12(7): Policy Re Leasing Of Photocopiers

MR. DENT:

Thank you, Mr. Speaker. Mr. Speaker, my question is for the Minister of Public Works and Services. Mr. Speaker, I've recently heard that the NWT Housing Corporation went to proposal to have the private sector take over a lease on a large copier. As part of the proposal, the Housing Corporation agreed to purchase a certain volume of copies in a specific

period of time. My question for the Minister of Public Works and Services is whether or not this represents a shift in government policy, where the government will no longer be leasing copiers but will contract out production of copies.

MR. SPEAKER:

Minister of Public Works and Services, Mr. Morin.

Return To Question 573-12(7): Policy Re Leasing Of Photocopiers

HON. DON MORIN:

Thank you, Mr. Speaker. I will have to look into that issue; that's the first I've heard of it. I will get back to the Member as soon as possible. Thank you.

MR. SPEAKER:

Thank you. Item 6, oral questions. Mrs. Thompson.

Question 574-12(7): Economic Potential Of Tannery In Coral Harbour

MRS. THOMPSON:

Thank you, Mr. Speaker. I would like to ask the Minister of Economic Development and Tourism about a tannery in Coral Harbour. When he was visiting last year, he met with my constituents and they talked about the desire to have a tannery in Coral Harbour to process the thousands of caribou resulting from the commercial harvests. The Minister offered to send two people to Whale Cove to see the tannery there, but my constituents told me they don't need a trip to Whale Cove, they already know about the small-scale tannery which is there.

My question to the Minister is, does the Minister agree that it would add to the economic benefits of the Coral Harbour caribou harvest if the people of Coral Harbour could also utilize the thousands of caribou to set up a local tannery? Thank you, Mr. Speaker.

MR. SPEAKER:

Minister of Economic Development and Tourism, Mr. Todd.

Return To Question 574-12(7): Economic Potential Of Tannery In Coral Harbour

HON. JOHN TODD:

Thank you, Mr. Speaker. Discussions about the idea of a small tannery have been under way for some time now with the people of Coral Harbour, and it is the intention of the department to provide assistance to the community to develop a small tannery, primarily to deal with the significant skins that will be available over the next three or four years with the commercial caribou hunt. Thank you.

MR. SPEAKER:

Supplementary, Mrs. Thompson.

Supplementary To Question 574-12(7): Economic Potential Of Tannery In Coral Harbour

MRS. THOMPSON:

My supplementary question to the Minister of Economic Development and Tourism, Mr. Speaker, is how much assistance is going to be given for the people of Coral Harbour to start the tannery?

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MR. SPEAKER:

Mr. Todd.

Further Return To Question 574-12(7): Economic Potential Of Tannery In Coral Harbour

HON. JOHN TODD:

Thank you, Mr. Speaker. It is our intention to have the tannery somewhat similar to the model we've cleared in Whale Cove. It will be a smaller community type of tannery to avoid some of the difficult and costly expenditures that have come about because of the environmental considerations related to larger tanneries.

I don't know exactly what the available dollars are, but I believe there was somewhere in the region of \$30,000 to \$50,000 spent in Whale Cove. I think, coupled with the capital investment, we would also send in, perhaps, some people with expertise garnered in the Whale Cove experience. It will be a combination of some training dollars and some capital dollars to put a plant in place. I'm fairly optimistic that we can get that under way in the coming months, Mr. Speaker. Thank you.

MR. SPEAKER:

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

Question 575-12(7): YK Direct Charge Co-op Application For BIP Status

MR. BALLANTYNE:

Thank you, Mr. Speaker. My question is for the Minister of Public Works and it has to do with the application of the Yellowknife Direct Charge Co-op to receive status under the BIP. Mr. Speaker, as the Minister knows, the Yellowknife Direct Charge Co-op is 100 per cent northern owned and operated. It provides competition to OK Economy and keeps the price of food down in Yellowknife, to the benefit of everyone.

The Yellowknife Direct Charge Co-op has been refused BIP status since 1988 because there is a clause in BIP that says a northern supplier must be accessible to the general public. My question to the Minister is, why was that clause put into BIP criteria and how does that relate to Yellowknife Direct Charge Co-op?

MR. SPEAKER:

The Minister responsible for Public Works, Mr. Morin.

Return To Question 575-12(7): YK Direct Charge Co-op Application For BIP Status

HON. DON MORIN:

Thank you, Mr. Speaker. When the business incentive policy was first developed, it was to encourage businesses to develop in the Northwest Territories and encourage businesses to branch out into small communities. Also, the intent of the business incentive policy is that businesses carry a stock open to the general public. That's the reason the clause is in the policy. Thank you.

MR. SPEAKER:

Supplementary, Mr. Ballantyne.

Supplementary To Question 575-12(7): YK Direct Charge Co-op Application For BIP Status

MR. BALLANTYNE:

Thank you, Mr. Speaker. Mr. Speaker, from this Minister we've heard many references about the spirit and intent of BIP. Surely, the Yellowknife Direct

Charge Co-op is as northern as any business under BIP. It seems to me that the clause that was put in 1988 was to stop home storefront or telephone call operations, and that doesn't apply to the reality of the Yellowknife Direct Charge Co-op. So my question to the Minister is, will the Minister, as he has done on other occasions, look at the rather rigid policy to see if the spirit and intent would allow the Yellowknife Direct Charge Co-op to be eligible for BIP preference for food. Thank you.

MR. SPEAKER:

Mr. Morin.

Further Return To Question 575-12(7): YK Direct Charge Co-op Application For BIP Status

HON. DON MORIN:

Thank you, Mr. Speaker. I will look at the spirit and intent of the BIP and see if we can readdress the Yellowknife Direct Charge Co-op issue. Thank you.

MR. SPEAKER:

Item 6, oral questions. Ms. Mike.

Question 576-12(7): Allocation Of GNWT Staff Housing

MS. MIKE:

Thank you, Mr. Speaker. I have a question for the Minister of Housing relating to staff housing in Clyde River. The school there has had to compromise its hiring practices due to the lack of staff housing. Because of the shortage, they have to reject well-qualified and married teachers, and hire couples just to save on housing units. However, there are four empty staff housing units in the community. The community education council has asked to use those for teachers, but they have been told that the units are allocated to health employees. Can the Minister tell me whether it is the policy of the Housing Corporation to allocate specific staff housing units to specific departments?

MR. SPEAKER:

Minister of Housing, Mr. Morin.

Return To Question 576-12(7): Allocation Of GNWT Staff Housing

HON. DON MORIN:

Thank you, Mr. Speaker. It shouldn't be the policy of the Housing Corporation to identify units for specific organizations or departments in this government. The whole idea of transferring staff housing to the Housing Corporation was to consolidate all of our housing under one roof so we can make better use of it. I'm hoping that is what they're doing out in the communities.

It's good that the Member has raised that issue. I will look into that and see if we can address that problem. Houses shouldn't be sitting there empty if they're needed. Thank you.

MR. SPEAKER:

Supplementary, Ms. Mike.

Supplementary To Question 576-12(7): Allocation Of GNWT Staff Housing

MS. MIKE:

Thank you, Mr. Speaker. The information I have is that these four units are allocated to health employees. However, some of the health staff aren't utilizing these units, and the education council has been told that it is for some time in the future when health staff increases that they are reserving these. Can the Minister assure me that these units can be

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allocated to the teachers so the community of Clyde River can hire the teachers they want to hire, and not compromise? Thank you.

MR. SPEAKER:

Mr. Morin.

Further Return To Question 576-12(7): Allocation of GNWT Staff Housing

HON. DON MORIN:

Thank you, Mr. Speaker. Let me assure the Member that I will look into this issue today. I don't say who gets units in any individual community and I'll look into it. It's a serious issue as far as I'm concerned because they shouldn't have to jeopardize how people hire teachers. We will look into it today. If the Member can give me some written information on it, then I could follow up on it immediately. Thank you.

MR. SPEAKER:

Item 6, oral questions. Mr. Ningark.

Question 577-12(7): Response To Nunavut Leaders' Summit Resolutions On Education In Nunavut

MR. NINGARK:

Thank you, Mr. Speaker. Mr. Speaker, my question is directed to the Minister of Education, Culture and Employment. During the January 19 to 21, 1995 Nunavut leaders' meeting in Gjoa Haven, a number of resolutions were made. One of the particular resolutions, Mr. Speaker, was a resolution recommending that the Minister collaborate with the Nunavut Implementation Training Commission and Arctic College to review the feasibility of relocating the Sivuniksavut program to Nunavut, and delivering it through Arctic College. Would the Minister indicate whether a detailed response to the Nunavut leadership components can be expected? Thank you.

MR. SPEAKER:

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

Return To Question 577-12(7): Response To Nunavut Leaders' Summit Resolutions On Education In Nunavut

HON. RICHARD NERYSOO:

Thank you, Mr. Speaker. Certainly, Mr. Speaker, an answer is expected. All honourable Members should realize that we are in the process of developing a strategy for Nunavut Arctic College. That particular document has not been completed. It will deal with the matter of program delivery.

The other component is that we have Mark Cleveland and the staff who he is associated with dealing with this particular matter. In fact, they should be meeting this week or within the next few weeks with the boards to address this matter of training.

There are a number of serious problems with the Nunavut Implementation Commission's report that causes us some very significant concerns. responsibility; it rests in the hands of the Nunavut Implementation Commission and really has to be resolved with the Nunavut leadership.

However, I can advise the honourable Member that having met with the Nunavut Arctic College, the Aurora College Board and Yukon College Board in Fort Smith; having met last week with the chairs of the

Nunavut boards of education; we are all concerned about ensuring that we have a consistent approach to educational and training matters for Nunavut. Thank you, Mr. Speaker.

MR. SPEAKER:

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

Supplementary To Question 577-12(7): Response To Nunavut Leaders' Summit Resolutions On Education In Nunavut

MR. NINGARK:

Thank you, Mr. Speaker. I thank the honourable Minister for his response. Can the Minister be a little bit more specific and let us know when? I know the matter is in the works, but I would like to know, on behalf of the Nunavut people, when these questions will be resolved by the Minister; exactly when. Thank you.

MR. SPEAKER:

Mr. Nerysoo.

Further Return To Question 577-12(7): Response To Nunavut Leaders' Summit Resolutions On Education In Nunavut

HON. RICHARD NERYSOO:

Thank you, Mr. Speaker. I just want to advise the honourable Member that the document and resolutions are being dealt with right now. The problem is that we can't agree on a plan of action until we're satisfied collectively about what it is that we intend to do. I can advise the honourable Member that with regard to calling a meeting which the department would organize, it has been agreed generally that the suggestion that I made that we meet later on this fall has been accepted. There are a number of other points that have to be dealt with, **MR. SPEAKER:** The Nunavut Arctic College plan; the whole issue of dealing with the Nunavut Implementation Commission report on a single divisional board, which the board members and the chairs do not agree with.

So the problem isn't necessarily a departmental issue, it's an overall transitional plan issue; therefore, makes it difficult. If the Nunavut Implementation Commission changes their view on a single board, then it makes our work much simpler because we're working with institutions that are already in place from K to 12, than from the Arctic College board as it is presently in

existence. But those are some of the major problems that we're encountering. I hope that our relationship with the divisional boards, which has been excellent to date, and the working relationship I've developed now with the chair and the Nunavut Arctic College board has been excellent, and I hope to continue to work with them to ensure that we do the job and to respond to the recommendations that have been made.

MR. SPEAKER:

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

Question 578-12(7): Controls Placed On Government Spending Prior To Election

MR. LEWIS:

Thank you, Mr. Speaker. My question is to the Minister of Finance, Mr. Speaker. In 1987, when both he and I ran and were elected to this Assembly, there had been a

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period of about five months when the government spent an awful lot of money from the time that it prorogued in the summer until the fall election. A lot of the money was spent on all kinds of instruments that are available to government, when the Assembly was not sitting. I would like to ask the Minister when we prorogue either this week or next week, what controls will be placed on government spending until the October 16th election?

MR. SPEAKER:

Minister of Finance, Mr. Pollard.

Return To Question 578-12(7): Controls Placed On Government Spending Prior To Election

HON. JOHN POLLARD:

Thank you, Mr. Speaker. Good afternoon. Mr. Speaker, Mr. Lewis is correct. I remember back that far and I'm sure you do as well, Mr. Speaker. In my responsibilities right now, I have foreseen into the summer and I've sent letters to departments, to Ministers, about what kinds of supplementary appropriations we feel should be allowed. I believe the wording is "those of an emergency nature." I've also made a commitment that we will meet with the Standing Committee on Finance in the third week of August to bring them right up to date on what is

happening with our spending, what our fiscal picture is, and how our negotiations with Ottawa are going. By that means, I think there are still some safeguards out there and I intend to be vigilant with the departments and with the government, and not fall into a method of handling certain situations that perhaps the previous government used. Thank you, Mr. Speaker.

MR. SPEAKER:

Thank you. Supplementary, Mr. Lewis.

Supplementary To Question 578-12(7): Controls Placed On Government Spending Prior To Election

MR. LEWIS:

Mr. Speaker, I would like to ask the Minister, will this also extend to what we call special warrants, whereby money can be spent and where it will be up to the next Legislature to approve money that has already been spent in this fiscal year?

MR. SPEAKER:

Mr. Pollard.

Further Return To Question 578-12(7): Controls Placed On Government Spending Prior To Election

HON. JOHN POLLARD:

That is correct, Mr. Speaker. Thank you.

MR. SPEAKER:

Supplementary, Mr. Lewis.

Supplementary To Question 578-12(7): Controls Placed On Government Spending Prior To Election

MR. LEWIS:

Will the guidelines that the Minister has referred to include the issue of special warrants, even for things like emergency situations?

MR. SPEAKER:

Mr. Pollard.

Further Return To Question 578-12(7): Controls Placed On Government Spending Prior To Election

HON. JOHN POLLARD:

Mr. Speaker, all the Ministers know about our fiscal situation at the present time. We've been at quite a number of meetings where we've looked at how much money we're going to be able to spend this year. Ministers know how much is left in supplementary appropriations and they realize that we can't spend all the money we have this summer. It has to be spread over the year. And they also recognize that there's going to be a change in leadership, and we can't leave them with a bare cupboard. Ministers are all well aware of that.

But we are also cognizant of the fact that there may be certain situations that arise in the Northwest Territories whereby emergencies, or what Cabinet determine are emergencies, rear their ugly heads. We will deal with those emergencies through special warrants. Thank you, Mr. Speaker.

MR. SPEAKER:

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

Question 579-12(7): Iqaluit Airport Emergency Response Services

MR. PATTERSON:

Thank you, Mr. Speaker. My question is for the Minister of Transportation, and I'm pleased to hear his very upbeat announcement today about the completion of the agreement with the federal government for the transfer of Arctic A airports, specifically that current levels of service will be maintained. The Minister knows that I have been concerned about the vital emergency response services at the Iqaluit Airport and, for that matter, other airports in the territories.

With reference to the Iqaluit Airport, I would like to ask the Minister, Mr. Speaker, does this agreement and his announcement today mean that the emergency response services now in place at the Iqaluit Airport will be maintained and funded at the same level under the agreement that has been negotiated? Thank you.

MR. SPEAKER:

Minister of Transportation, Mr. Todd.

Return To Question 579-12(7): Iqaluit Airport Emergency Response Services

HON. JOHN TODD:

Thank you, Mr. Speaker. It is certainly our intention to do that, Mr. Speaker. Thank you.

MR. SPEAKER:

Supplementary, Mr. Patterson.

Supplementary To Question 579-12(7): Iqaluit Airport Emergency Response Services

MR. PATTERSON:

I appreciate the Minister's intentions but I guess what I would like to ask is, have the necessary funds been negotiated and built into the budget, sufficient to allow the present level of emergency response services at the Iqaluit Airport to continue without reductions? Thank you.

MR. SPEAKER:

Mr. Todd.

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Further Return To Question 579-12(7): Iqaluit Airport Emergency Response Services

HON. JOHN TODD:

I believe we have negotiated an arrangement with the federal government that will ensure that the current levels of services we have across the nine Arctic A airports can be maintained. Thank you.

MR. SPEAKER:

Supplementary, Mr. Patterson.

Supplementary To Question 579-12(7): Iqaluit Airport Emergency Response Services

MR. PATTERSON:

Mr. Speaker, I'm still a little unclear about whether or not the ERS at the Iqaluit Airport will be maintained at the present levels. The Minister says he believes that the arrangements are adequate. I would like to ask him, unequivocally, will he assure me and this House that the current level of services are capable of being maintained with the funding that is in this well-negotiated agreement? Thank you.

MR. SPEAKER:

Mr. Todd.

Further Return To Question 579-12(7): Iqaluit Airport Emergency Response Services

HON. JOHN TODD:

Mr. Speaker, I will assure the honourable Member that the current level of services will be maintained. Thank you. ---Applause

MR. SPEAKER:

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

Question 580-12(7): Creation Of Fire Breaks As Preventative Measures

MRS. MARIE-JEWELL:

Thank you, Mr. Speaker. I have a question to ask the Premier. I would like to question the Premier with regard to my Member's statement today about preparing fire breaks around communities. I wonder whether the Premier will take on the responsibility of requesting the Minister responsible for emergency measures, the Minister of Education, Culture and Employment, and the Minister responsible for fire suppression to, collectively, determine whether or not they can arrange to create fire breaks around the communities. Thank you.

MR. SPEAKER:

Madam Premier.

Return To Question 580-12(7): Creation Of Fire Breaks As Preventative Measures

HON. NELLIE COURNOYEA:

Mr. Speaker, I would like to advise the honourable Member that the topic of fire breaks has been under active discussions for over two weeks. We are looking at preventative measures. The Ministers responsible have gotten together to see how that can be accomplished. Given that the suggestion is appropriate at this time and that, although some communities do have fire breaks, there could be better use of this preventative measure, they have been discussing it. The Ministers responsible have decided to take measures to decide things like how much it would cost, how it can be done, and for the particular communities, where it is needed. I'm pleased to be able to say that this measure has been adequately discussed. Thank you, Mr. Speaker.

MR. SPEAKER:

Supplementary, Mrs. Marie-Jewell.

Supplementary To Question 580-12(7): Creation Of Fire Breaks As Preventative Measures

MRS. MARIE-JEWELL:

Thank you, Mr. Speaker. Supplementary to the Premier. Mr. Speaker, if discussions have taken place regarding the creation of fire breaks, I would like to ask the Premier what plan does the government have to create fire breaks? Thank you.

MR. SPEAKER:

Madam Premier.

Further Return To Question 580-12(7): Creation Of Fire Breaks As Preventative Measures

HON. NELLIE COURNOYEA:

Mr. Speaker, this is what the Ministers are discussing now. We can all have ideas but there has to be a plan of action and that is exactly what is being discussed now: how would we put a plan in place, where are the priorities, and how can we stage it so we maximize northern intelligence on the matter. The plan hasn't been finalized, but that is exactly what is being worked on right now, Mr. Speaker. Thank you.

MR. SPEAKER:

Thank you. Supplementary, Mrs. Marie- Jewell.

Supplementary To Question 580-12(7): Creation Of Fire Breaks As Preventative Measures

MRS. MARIE-JEWELL:

Thank you. Can she advise the House as to when she feels they will have a plan in place to address the idea of creating fire breaks around the communities? Thank you.

MR. SPEAKER:

Madam Premier.

HON. NELLIE COURNOYEA:

Mr. Speaker, I believe that the Minister responsible feels that this is a measure that should be addressed quickly, although a plan is not in place. I hope, given the urgency of the matter, that it will be as soon as possible. I can't give exact dates, but I can take the question as notice, and confer with the Ministers to

see what timetable they've set. Thank you, Mr. Speaker.

MR. SPEAKER:

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

Question 581-12(7): Closure Of Surgery Ward At Stanton YK Hospital

MR. WHITFORD:

Thank you, Mr. Speaker. Mr. Speaker, I have a question I would like to direct to the Minister responsible for Health. Last week I made a statement regarding the recent closure of the surgery ward at Stanton Yellowknife Hospital. As I said then, I was informed the ward has been closed since March and will likely be closed through the summer. I would like to ask the Minister of Health whether the hospital administrators gave notice of this closure to the Minister or to her deputy minister.

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MR. SPEAKER:

Minister of Health and Social Services, Madam Premier.

Return To Question 581-12(7): Closure Of Surgery Ward At Stanton YK Hospital

HON. NELLIE COURNOYEA:

Mr. Speaker, the board of the Stanton Hospital informed me that they wanted to make some changes to make best use of their resources, and I believe, as well, the deputy minister was informed that there would be some changes in order to make best use of the resources that the hospital has in serving the patients. Thank you.

MR. SPEAKER:

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

Supplementary To Question 581-12(7): Closure Of Surgery Ward At Stanton YK Hospital

MR. WHITFORD:

Thank you, Mr. Speaker. During my last public meeting, a number of my constituents expressed great concern at this closure of this ward, and I've heard subsequent to my statement even more

concerns. Even though there are excellent reasons for the temporary closure of the ward, and I think we can appreciate their reasons for it, many of the clients of Stanton Hospital were or are unaware of these reasons and they merely noticed the inconvenience of the closure once they were there. Will the Minister consider directing the hospital administrator to provide better information to clients and to the public on these matters?

MR. SPEAKER:

Ms. Cournoyea.

Further Return To Question 581-12(7): Closure Of Surgery Ward At Stanton YK Hospital

HON. NELLIE COURNOYEA:

Mr. Speaker, now that we do have a hospital administrator, I will talk to the chairman of the Stanton Hospital board. He is aware that communications can be better. As the Member probably would acknowledge, for a time we did not have a permanent hospital administrator. This position has been filled. An individual has been identified and needs a couple of weeks to get oriented. We will pass the message on to this individual through the chairman of the Stanton board. Thank you, Mr. Speaker.

MR. SPEAKER:

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

Supplementary To Question 581-12(7): Closure Of Surgery Ward At Stanton YK Hospital

MR. WHITFORD:

Mr. Speaker, one other concern that I would like to clarify. Stanton Hospital is the largest and is the best equipped hospital north of the 60th parallel. In recent years, Stanton Hospital has been building a strong reputation and public image as a first-class health centre, and I am concerned that this closure may tarnish this reputation. Will the Minister assure us that she will work with the Stanton hospital board and administration to ensure that the public and health clients are kept better informed and that the reputation of this fine institution is well preserved?

MR. SPEAKER:

Ms. Cournoyea.

Further Return To Question 581-12(7): Closure Of Surgery Ward At Stanton YK Hospital

HON. NELLIE COURNOYEA:

Just to make sure that communication is at its best today, the surgical unit was closed due to a low patient count or census and, as I stated earlier, it was an adjustment that was made. The actual operating unit was not disbanded or anything like that at all. The facility continues to operate in the same manner. The operating room remains open and in use, and the patients do not have to wait any longer for surgery as a result of this closure. It is just a reorganization of where patients are put. Just to assure the patients out there who are using the Stanton Hospital, there is no diminishing of the service in any way. Thank you, Mr. Speaker.

MR. SPEAKER:

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

Supplementary To Question 581-12(7): Closure Of Surgery Ward At Stanton YK Hospital

MR. WHITFORD:

Thank you, Mr. Speaker. Just for the record, I would like to ask the Minister of Health if there has, as a result of this closure, been any change in service? Have there been any patients sent to Edmonton for surgery as a result of this closure?

MR. SPEAKER:

Ms. Cournoyea.

Further Return To Question 581-12(7): Closure Of Surgery Ward At Stanton YK Hospital

HON. NELLIE COURNOYEA:

Mr. Speaker, there has been no diminishing of the services whatsoever. Patients are still referred to Stanton. As I said earlier, the operating room remains open and in use, and the patients are well cared for at the Stanton Hospital, and, although they are not in the surgical ward and bedded in the surgical ward, they are accommodated elsewhere in the hospital.

It is anticipated that there will be a reopening of the surgical ward itself in August or September when we implement the new surgical services we have identified in our budget for Stanton.

So, just to restate once again, there is no diminishing of services. Patients are well cared for and there have been no patients sent south as a result of the closure. Thank you, Mr. Speaker.

MR. SPEAKER:

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

Question 582-12(7): Response To Nunavut Leaders' Summit Resolutions On Education

MS. MIKE:

Thank you, Mr. Speaker. My question is to the Minister of Education, Culture and Employment. Mr. Speaker, I was not satisfied with the responses he provided to Mr. Ningark's questions. The Minister was provided with the resolutions that were made in January when the Nunavut leaders met in Gjoa Haven. The resolutions were sent to him. To date, none of the Nunavut leaders have received a response to any of the recommendations that were made there,

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other than a letter that was received by the Member for Iqaluit. Can the Minister indicate if a detailed response to Nunavut leaders on each of the recommendations and their components can be expected in the near future?

MR. SPEAKER:

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

Return To Question 582-12(7): Response To Nunavut Leaders' Summit Resolutions On Education

HON. RICHARD NERYSOO:

Mr. Speaker, I am sorry the honourable Member is not satisfied, but the fact is that we have been conducting meetings on an ongoing basis with the Nunavut Arctic College, which we just created within the last several months, who are going to assume the responsibility for the development of a Nunavut Arctic College plan.

The other point is that I have also been meeting with the Nunavut boards of education chairs and their directors on a regular basis. Part of the work that the department has also had to do is the matter of the transition plan for the department to get ready for

division. Along with developing a human resources plan and getting involved with the income support changes, we've met with the NIC/NITC and with some of the boards, including the college board.

We did not, in fact, receive to date the real details of the NIC report because they are really not public. We have had discussions about what it entails but they have not been released to us for discussion. On those changes that we see as being of significant concern to us, we need to meet with the boards. I was asked to coordinate a meeting. We have indicated to the groups that we would like to host the meeting in November or in the fall once all the documentation has been completed.

It's not simply a matter of the department not doing the work. The fact is that the work is so substantive that we can't get it done immediately, and I am not prepared at this time to simply say that this department has not done any work. I think the honourable Member, if she looks at all the work that has been done to date, would note that much of the work has been completed, and the unfortunate thing is that we cannot get into some of the detailed discussions.

In fact, Mr. Speaker, I want to say that some of the chairs of the boards who will be meeting in Sanikiluaq several weeks from now have raised some very major concerns about board development in their particular regions, and it is not our recommendation to form a single board; it is the Nunavut Implementation Commission, and their minds have to be changed about that issue. The other component, Mr. Speaker, is that the strategic plan

MR. SPEAKER:

Ms. Mike, your point of order.

Point Of Order

MS. MIKE:

Thank you, Mr. Speaker. I realize about NIC recommendations on their report. They are not up for discussion. We shouldn't even mention NIC's report in this Legislative Assembly because it is this government's responsibility for the educational development of Nunavut until

1999. Mr. Speaker, I would like to know, will the Minister respond to...

MR. SPEAKER:

Can we have some order here? Ms. Mike, what is your point of order?

MS. MIKE:

Mr. Speaker, the NIC report is not going through implementation at this time. I don't think it is relevant that we should discuss it in this Assembly.

Speaker's Ruling

MR. SPEAKER:

Ms. Mike, in order to raise a point of order, it has to be against the rules. You don't have a point of order. Continue with your question.

HON. RICHARD NERYSOO:

Thank you, Mr. Speaker. I can say, Mr. Speaker, that

MR. SPEAKER:

Ms. Mike, your point of order.

MS. MIKE:

Thank you, Mr. Speaker. I am sorry for getting excited, but the NIC report is not a tabled document in this Assembly. That was my point of order. Thank you.

MR. SPEAKER:

Thank you. Ms. Mike, I realize that the report isn't in the House, but as long as the Minister isn't quoting from the report itself, it isn't a point of order. Ms. Mike.

MS. MIKE:

Mr. Speaker, I am not trying to challenge you in any way, but the Minister did indicate that the NIC report recommends one single education board and

MR. SPEAKER:

Ms. Mike, I have already made a ruling on your point of order. Mr. Minister.

HON. RICHARD NERYSOO:

Thank you, Mr. Speaker. Just so that it is clear, and I don't want to debate with the honourable colleague, but here is the point. There was a request for a transitional plan. That transitional plan has been completed. The problem is we have not had Cabinet discussion on it and we have not received the

approvals. The documentation also needs to have some discussion with the boards. The matter of the strategic plan for the Nunavut Arctic College needs to be completed. We had a review of that. That document needs further discussion and the staff will be meeting on that further this week. Two weeks from now, we will be meeting with all the parties involved with training and education in Yellowknife. We will discuss a number of these particular issues, at which time,, hopefully we will have a collective position on these issues. Thank you, Mr. Speaker.

MR. SPEAKER:

Item 6, oral questions. Ms. Mike.

Supplementary To Question 582-12(7): Response To Nunavut Leaders' Summit Resolutions On Education

MS. MIKE:

Thank you, Mr. Speaker. Will the Minister appoint an assistant deputy minister for Education, Culture and Employment for Nunavut as soon as possible, as requested through the resolutions? Thank you. discussion. We shouldn't even mention NIC's report in this **MR. SPEAKER:** Mr. Nerysoo.

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Further Return To Question 582-12(7): Response To Nunavut Leaders' Summit Resolutions On Education

HON. RICHARD NERYSOO:

Thank you, Mr. Speaker. No. It may not be necessary to appoint an assistant deputy minister. We may identify someone who will be responsible for the implementation of all those issues related to educational matters for Nunavut, but it may be someone who is identified specifically for that particular purpose. It may not be an assistant deputy minister. Thank you.

MR. SPEAKER:

Thank you. Thank you for waking me up.

---Laughter

Item 6, oral questions. Mr. Patterson.

Question 583-12(7): Progress On Establishment Of Trades Training For Nunavut

MR. PATTERSON:

Thank you, Mr. Speaker. I, too, would like to ask some questions about the Gjoa Haven Nunavut leaders' summit on education in January. Mr. Speaker, I think the Minister is well aware that the leaders' conference expressed great concern about adult training programs and particularly about trades training in Nunavut and resolved that the Minister should implement a strategy to ensure those programs were put in place to meet the needs of Nunavut. Six months have passed and I would like to ask the Minister, since January, what stops has he taken to establish trades training in Nunavut, as recommended by the Gjoa Haven leaders' summit? Thank you.

MR. SPEAKER:

Employment, Mr. Nerysoo.

Return To Question 583-12(7): Progress On Establishment Of Trades Training For Nunavut

HON. RICHARD NERYSOO:

Thank you, Mr. Speaker. The honourable Member for Iqaluit continues to want to build single infrastructure, but the Nunavut Arctic College board has indicated that they want to build up the regional centres. In other words, they want to build the Kitikmeot and build the Keewatin, so that it responds to the training requirements in those particular regions.

Secondly, in order for us to respond to the matter of trades training or adding additional training requirements, the Nunavut Arctic College board is developing a strategic plan. They have submitted the draft. We have had a discussion about that. The staff are supposed to meet on that matter within these next two weeks. They will then report back to the board and myself on the suggested changes. Those matters deal with program delivery including trades and additional programs. They will develop a strategic plan accordingly. That work has not been completed yet, Mr. Speaker.

MR. SPEAKER:

Thank you. Supplementary, Mr. Patterson.

Supplementary To Question 583-12(7): Progress On Establishment Of Trades Training For Nunavut

MR. PATTERSON:

Mr. Speaker, I am not particularly amused at the way the Minister has put words in my mouth with his

response and suggested that I am promoting a single infrastructure or a single location for infrastructure. The Minister should remember that it was this Member for Iqaluit who asked about what he was going to do to establish trades training in the Keewatin in the previous session of this Assembly. I said that I recognized that a was a priority in that region.

SOME HON. MEMBERS:

(Microphones turned off)

MR. PATTERSON:

My question, Mr. Speaker, was about trades training in Nunavut, not Iqaluit. I don't like the way the Minister has twisted my words.

SOME HON. MEMBERS:

Ohh!

MR. PATTERSON:

We have heard a lot about plans, working groups and staff level meetings, et cetera, and I am aware that the Minister recently met with the new chair of the Nunavut Arctic College, Mr. Joe Ohokannoak from Cambridge Bay. The trades training was on the agenda. Forgetting about the Minister's staff and his strategic plans, was the Minister able to make any specific commitments to the Arctic College and its chair about taking some concrete steps to establish some trades training resources in Nunavut? Thank you.

MR. SPEAKER:

Mr. Nerysoo.

Further Return To Question 583-12(7): Progress On Establishment Of Trades Training For Nunavut

HON. RICHARD NERYSOO:

Thank you, Mr. Speaker. No, there have been no specific decisions that have been made. Nunavut Arctic College has submitted a strategy that deals with that matter. Part of the strategy includes financing programs. I had an opportunity, for instance, to meet with one campus in the Kitikmeot. Their suggestion was we shouldn't necessarily move the programs without knowing the consequences of those programs on the clients we are serving. Having said that, Mr. Speaker, if there is an option and a plan that

clearly articulates the need and responds to the number requirements for trades training, I won't stand in the way of that plan. However, it needs to be clearly articulated in the way we provide a program and also how we provide the fiscal resources to meet that plan. The partners that can be involved includes the Nunavut Implementation Training Commission and a number of the other partners, including the federal government. Thank you, Mr. Speaker.

MR. SPEAKER:

Thank you. Supplementary, Mr. Patterson.

Supplementary To Question 583-12(7): Progress On Establishment Of Trades Training For Nunavut

MR. PATTERSON:

Thank you, Mr. Speaker. I would like to ask the Minister if he agrees with me that, rather than infrastructure --we have Housing Association warehouses, DPW garages, and shops in many communities throughout Nunavut --in Nunavut --which he implied I was asking about

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in my first question --what we really need are instructors in those communities, using the existing facilities to get trades training up and running, especially in the early apprenticeship years. Thank you.

MR. SPEAKER:

Mr. Nerysoo.

Further Return To Question 583-12(7): Progress On Establishment Of Trades Training For Nunavut

HON. RICHARD NERYSOO:

Thank you, Mr. Speaker. That all requires planning. The unfortunate position that the honourable Member takes is these investment decisions can be made immediately. We need to plan the programs to be offered, the method by which we deliver the programs, and what locations those programs will be offered in. The honourable Member makes some good points about existing infrastructure, but I just want to advise the honourable Member that in my short discussion even in the Kitikmeot, their suggestion is that we should not simply make a change in the trades training program without looking at the consequences to the existing program, itself.

I think that is a reasonable approach to take. Once that plan has been put on the table, I will be prepared, once the college has agreed to the plan, to support it. But there needs to be some planning and coordination. Thank you, Mr. Speaker.

MR. SPEAKER:

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

Question 584-12(7): Priority List Of Budget Cuts

MRS. MARIE-JEWELL:

Thank you, Mr. Speaker. I would like to ask the Minister of Finance a question with regard to budgeting items. When we were in the budget session, the Minister of Finance indicated to this House that we will be looking at cuts in the future. I would like to know whether or not this government has drawn up a priority list for budget cuts for this government. Thank you.

MR. SPEAKER:

Thank you. Minister of Finance, Mr. Pollard.

Return To Question 584-12(7): Priority List Of Budget Cuts

MR. SPEAKER:

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

Question 585-12(7): Problems With Snare Lake Community Freezer

MR. ZOE:

Thank you, Mr. Speaker. It has been brought to my attention that the community of Snare Lake is encountering problems with their community freezer. I understand that the Minister has been made aware of the problem. I would like to ask the Minister if he could give us a status report on what the department is planning to do to rectify the problem of the local community freezer. Thank you.

MR. SPEAKER:

Minister of Renewable Resources, Mr. Arngna'naaq.

Return To Question 585-12(7): Problems With Snare Lake Community Freezer

HON. SILAS ARNGNA'NAAQ:

Thank you, Mr. Speaker. The department has, as all Members know, been doing a review of all the community freezers across the Northwest Territories. They have also gone into communities where freezers are required. At the present time, I believe the report is being completed and the study that was done is being assessed. A submission will be made to Cabinet and to FMB in the not-too-is that distant future. Thank you.

MR. SPEAKER:

Thank you. Supplementary, Mr. Zoe.

Supplementary To Question 585-12(7): Problems With Snare Lake Community Freezer

MR. ZOE:

Thank you, Mr. Speaker. I understand that the department is doing a comprehensive review of all local community freezers but the problem that the community of Snare Lake is encountering is a specific problem with the existing freezer. I understand that the Department of Public Works and Services that maintains the unit on behalf of Renewable Resources have indicated they have made his department aware of the existing problem. I understand the community freezer, at one time or another, has conked out and all the meat was destroyed. Although the unit is running, they have a lot of health concerns about the smell being created. I understand the Department of Renewable Resources has been made aware of it and I'm wondering what their plan is to rectify the problem. Thank you.

MR. SPEAKER:

Mr. Arngna'naaq.

Further Return To Question 585-12(7): Problems With Snare Lake Community Freezer

HON. SILAS ARNGNA'NAAQ:

Thank you, Mr. Speaker. The situation in Snare Lake has been assessed, just as every other freezer in every other community has been assessed. We have a lot of similar problems in various communities. With this report having been completed, with all community freezers being assessed, we will be able to come out with a plan as to how all the freezers will be handled. Thank you, Mr. Speaker.

MR. SPEAKER:

Thank you. Supplementary, Mr. Zoe.

Supplementary To Question 585-12(7): Problems With Snare Lake Community Freezer

MR. ZOE:

Thank you. Supplementary, Mr. Speaker. I understand that the department is doing a comprehensive review of all community freezers but I think it is warranted now, especially when the weather is really hot and the community wants to use the existing freezer, that it be fixed. I don't think

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it is a major problem; I think it could be fixed at reasonable cost. I appreciate what the department is doing and I know they're assessing all the community freezers, but isn't the department going to address this specific problem? The other thing I would like to ask the Minister, Mr. Speaker, is when he anticipates this report will be concluded. Thank you.

MR. SPEAKER:

Thank you. Mr. Arngna'naaq, two questions.

Further Return To Question 585-12(7): Problems With Snare Lake Community Freezer

HON. SILAS ARNGNA'NAAQ:

Thank you, Mr. Speaker. I know that a lot of the freezers, especially those that are older, are having similar --not problems like having been turned off in the middle of the summer or something --problems that could be fixed with very little work and at very little cost. I think with this report, we will be able to prioritize which communities need work immediately and the least amount of effort which will be required to fix which freezer.

I believe the report has been completed and a submission is now being prepared, so I would say it would be ready in the next few weeks. Thank you, Mr. Speaker.

MR. SPEAKER:

Item 6, oral questions. Oh, I wasn't keeping track of the time. Time for oral questions is over. 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. Ms. Cournoyea.

ITEM 13: TABLING OF DOCUMENTS

HON. NELLIE COURNOYEA:

Mr. Speaker, I wish to table Tabled Document 121-12(7), a summary of international travel which was undertaken at GNWT expense from December 1, 1993 to April 4, 1995 by Cabinet Members, deputy ministers, assistant deputy ministers, executive assistants and other Cabinet staff. Thank you, Mr. Speaker.

MR. SPEAKER:

Thank you. Item 13, tabling of documents. Item 14, notices of motion. Item 15, notices of motions for first reading of bills. Item 16, motions. Item 17, first reading of bills. Item 18, second reading of bills. Item 19, consideration in committee of the whole of bills and other matters: Committee Report 10-12(7), Report on Bill 32: An Act to Amend the Legislative Assembly and Executive Council Act, No. 2; Committee Report 11-12(7), Report on the Review of Bill 25 -The Education Act; Bill 25, Education Act; Bill 32, An Act to Amend the Legislative Assembly and Executive Council Act, No. 2, with Mr. Ningark in the chair.

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

CHAIRMAN (Mr. Ningark):

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

MR. DENT:

Thank you, Mr. Chairman. I would like to recommend that the committee consider Committee Report 10-12(7) and Bill 25 first, followed by Committee Report 11-12(7) and Bill 32 second.

CHAIRMAN (Mr. Ningark):

Mr. Dent, I didn't really get that.

MR. DENT:

Sorry, Mr. Chairman. I recommend we do committee Report 10-12(7) and Bill 32 first and Committee Report 11-12(7) and Bill 25 second.

CHAIRMAN (Mr. Ningark):

Thank you, Mr. Dent. Do we agree to deal with these in the order suggested by Mr. Dent?

SOME HON. MEMBERS:

Agreed.

---Agreed

CHAIRMAN (Mr. Ningark):

We will take a 15-minute break.

---SHORT RECESS

CHAIRMAN (Mr. Ningark):

Thank you. I would like to call the committee back to order. The first item under item 19, consideration in committee of the whole of bills and other matters, is Committee Report 10-12(7), regarding Bill 32. I would like to ask Mr. Whitford if he has any opening remarks on behalf of the Standing Committee on Legislation.

Committee Report 10-12(7): Report on Bill 32: An Act To Amend The Legislative Assembly And Executive Council Act, No. 2

MR. WHITFORD:

Qujannamiik, Mr. Chairman. Yes, Mr. Chairman, the Standing Committee on Legislation read the report in its entirety, for the record. There is nothing else to report at this time.

CHAIRMAN (Mr. Ningark):

Thank you, Mr. Whitford. Do we have any general comments by Members of the committee of the whole? Mr. Nerysoo.

General Comments

HON. RICHARD NERYSOO:

Thank you, Mr. Chairman. Are we dealing with the bill?

CHAIRMAN (Mr. Ningark):

No, in fact, we are dealing with the report on Bill 32. Member for Thebacha.

MRS. MARIE-JEWELL:

Thank you, Mr. Chairman. First of all, as I said in the public meetings, I want to thank Mr. Dent for bringing forward this bill. I supported the principle of the bill when it came to the House and I wanted to say, for the public record, that I have no problem supporting the bill. However, I'm concerned that this bill is addressing only one portion of the Criminal Code, and is not considering anything with regard to the Narcotics Act or any other type of criminal offences.

I find that this particular bill is going to address a Member who may have violated the Criminal Code, having committed a violent offence, or may have committed a crime involving the sexual exploitation of children, which I find is certainly a step towards this Assembly addressing concerns of Members' conduct.

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However, as I stated publicly before, this particular bill only piecemeals a part of the concerns that some Members may have. I know the intention of the bill is to adhere to zero tolerance for violence, but I also believe the spirit and intent was to look at the Members' conduct with respect to role models. Once a Member is elected, the Member is, and the comments were, looked at as role models with regard to the Legislative Assembly and for other people of the Northwest Territories. I believe Members are certainly going to be considered as role models.

It doesn't address if a Member is charged for impaired driving. It doesn't address if a Member is charged for illegal possession of narcotics, nor any type of illegal gambling. I believe that the intention of Members wanting to address these cannot be addressed in this bill now because then it will take away from the principle of it.

But I certainly believe that, if Members are going to be addressing the issues around Members violating the Criminal Code and other federal or territorial statutory types of acts, then we have to take an approach to try to address them collectively, because I believe you are then setting somewhat double standards for Members. You are saying it's okay to drink and drive but it's not okay to slap your wife. It's okay to possess illegal drugs but it's not okay to express any type of violent act towards anyone, whether it be a threat or a hit or a slap.

I don't think that's right. I really believe that for any type of offence under the Criminal Code or any type of offence under the federal or territorial statutes committed by a Member, especially if they are found

guilty, they should have to resign from their seat. This act is only addressing part of the Criminal Code as I stated. Although it is only addressing part, I certainly support the bill, but it's unfortunate it cannot address collectively all the concerns.

Mr. Chairman, I did want to indicate that after reading the committee report and after expressing my concerns, I recognize that we cannot bind the next Legislative Assembly. However, I did want, at this time, to consider putting forth the motion for this House.

CHAIRMAN (Mr. Ningark):

Thank you. Are you prepared to make the motion now? Proceed into motion.

Committee Motion 58-12(7): Recommending 13th Assembly Further Amend Section 6 Of LEA Act, Carried

MRS. MARIE-JEWELL:

Mr. Chairman, I move that this committee recommends that consideration be given by the Members of the 13th Legislative Assembly to amending further The Legislative Assembly and Executive Council Act to add further offences under the Criminal Code and other federal and territorial statutes that, if convicted of any of these offences, a Member would not sit or be a Member.

CHAIRMAN (Mr. Ningark):

Thank you. We will pause momentarily as the motion is being distributed. It is written and translated into the Inuktitut language.

I believe that each and every Member of the committee of the whole has received the written motion which has been translated into the appropriate language. The motion is in order. To the motion. Mr. Patterson.

MR. PATTERSON:

Thank you, Mr. Chairman. I do accept what the Member says, that Bill 32 could go further, and I understand that the Member is recommending to the new Legislature that further offences should be considered for inclusion within this bill.

But I would just like to make a point that Bill 32, as it now stands before us this afternoon, does spell out what I believe is called the inherent right of the

Legislative Assembly to expel, suspend or discipline a Member according to its own rules and practices. I believe this section --apart from any future amendment to the bill as Mrs. Marie-Jewell is recommending in this motion before us --in the bill, if approved, will give the Legislative Assembly, not the courts, the power to take action against a Member who committed any other inappropriate actions, such as the Member has referred to: drunk offences, abuse, gambling and other undesirable behaviour she has recited.

I guess in speaking to this motion, I would like to point out that, even without further amendments to the bill to bring in further sanctions for convictions under other acts under the Legislative Assembly, federal law and the Criminal Code, Bill 32, as before us, explicitly acknowledges the Assembly's power to action. I just want to say that I haven't really decided whether I'm going to vote in favour of this motion or not. I think the new Assembly will deal with this issue as it sees appropriate, with or without advice from the 12th Assembly.

I just want to point out that, in fact, the bill before us does take into account that there may be other circumstances, other than the sexual exploitation of children or an offence involving violence, on which the Legislative Assembly of the day may wish to take action. It certainly has the clear power to take action. I suspect that if we pass the bill as it is today, a future Assembly may well want to develop procedures relating to the code of conduct that has been adopted and it's inherent right to expel, suspend or discipline Members, which would accomplish the same end that the Member seeks by this motion.

I guess I just want to say that I think we've gone at least some way in the direction the Member wishes us to pursue in the proposed bill before us today. If it's passed, it will enlarge the net, if you like, to make it clear that a Member can be disciplined by his or her peers for offences beyond the two spelled out in section 6(1)(a) and (b). I think we're already moving in that direction, Mr. Chairman. I just wanted to make those comments before we consider the Member's motion. Thank you.

CHAIRMAN (Mr. Ningark):

Thank you. To the motion. Mrs. Marie-Jewell.

MRS. MARIE-JEWELL:

Thank you, Mr. Chairman. Even though Mr. Patterson indicated that the Legislative Assembly has the right to expel, suspend or discipline a Member, it's my understanding that -- and maybe we should get clarification-- if a Member is charged and has violated the Criminal Code with an offence involving sexual exploitation of children or any

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type of violence against a person --threatened or attempted -- then the Member is no longer a Member.

The intent of my motion to amend the bill doesn't give the right to Members of the Assembly to discipline, suspend or expel. It asks the next Legislative Assembly to expand it to allow for other offences such as impaired driving, offences involving narcotics, illegal gambling or other violations. It doesn't give the responsibility to the Assembly. There will be a clear understanding that if someone violates the Criminal Code, then they can no longer sit as a Member. It should not be up to the Members of the Legislative Assembly to have to expel, discipline or suspend a Member. The next Legislative Assembly should come in with a clear understanding of what the rules and guidelines are. If they want to strengthen those rules and guidelines, this motion will give the next Legislative Assembly the option to do so.

I believe, as I stated, that Bill 32 addresses part of the Criminal Code offences, but not all of them. The intent of the motion is to ask the next Legislative Assembly to consider expanding it to include other Criminal Code offences made by a Member. Thank you.

CHAIRMAN (Mr. Ningark):

Thank you. Do we have any other general comments from committee Members? Mr. Ballantyne.

MR. BALLANTYNE:

Thank you, Mr. Chairman. Mr. Chairman, I understand what the Member is attempting to do and I have some sympathy with a couple of the offences she talked about, like drug use and impaired driving. I agree, they're something that perhaps the next Assembly will have to look at. But I think they'll be able to make up their own minds. I find the nature of this motion is very, very general and this could be interpreted to add other offences. But I don't know what those offences are, so I'm a little bit uncomfortable right now supporting this blanket

statement. So, I'm going to abstain from this, Mr. Chairman.

CHAIRMAN (Mr. Ningark):

Thank you. To the motion. Do we have any further general comments? Mr. Allooloo.

MR. ALLOOLOO:

Mr. Chairman, if I understand the motion correctly, it won't change any part of the bill that is in front of us. It merely recommends that Members of the 13th Legislative Assembly consider making amendments. That's as far as it goes. I wonder if I could ask our legal advisor what this motion means. I'm not a legal person, but it is my understanding that it doesn't change anything in this bill and merely makes a recommendation, and that it would be entirely up to the 13th Assembly to either change or not change Bill 32.

CHAIRMAN (Mr. Ningark):

I am informed that the proposed motion is not going to change the intent of the bill. But perhaps Ms. Stewart will want to expand.

ACTING LAW CLERK (Ms. Stewart):

Thank you, Mr. Chairman. You're correct, the motion will not change the content or the intent of the bill, as it stands right now.

CHAIRMAN (Mr. Ningark):

Thank you. To the motion. Ms. Mike.

MS. MIKE:

Thank you, Mr. Chairman. I support the principle of the bill but I have a question on section 6(2). I support the motion as well. However, I do have a legal question to our legal counsel on 6.2, where a Member is, after his or her election, convicted of an offence under the Criminal Code punishable by summary conviction. Since it doesn't say pertaining to only these two, can that also be used, for instance, if Bill C-68 becomes a law? We have a very large population in the NWT that becomes vulnerable of being convicted under that legislation if it is passed in Parliament.

CHAIRMAN (Mr. Ningark):

Thank you. I am advised by the Clerk that any legal questions pertaining to a motion are not legally binding. When we actually deal with Bill 32, An Act to Amend the Legislative Assembly and Executive Council Act, No. 2, then you can ask a legal question of the legal counsel. Ms. Mike.

MS. MIKE:

Mr. Chairman, it's important that I know the to the motion, sorry.

CHAIRMAN (Mr. Ningark):

In order to clarify what is happening here, I'll ask Ms. Stewart to explain where we are at this point in time.

ACTING LAW CLERK (Ms. Stewart):

Thank you, Mr. Chairman. My understanding is that we are in the process of debating the motion. To the extent that the Member's question relates to the motion, Bill C-68 creates largely a number of regulatory offences that will not, of themselves, be offences involving the sexual exploitation of children or in the commission of which violence against a person is used, threatened or attempted. As the bill presently stands, and we've already established that the present motion does not change the bill in this respect, no offence under Bill C-68, if it becomes law, will be included in this bill, except perhaps under subsection 6.2 if the Legislative Assembly wishes to exercise its discretion. However, it is not covered in 6.1.(2).

CHAIRMAN (Mr. Ningark):

Thank you, legal counsel. Ms. Mike.

MS. MIKE:

Thank you, Mr. Chairman. When I asked the question, I think I said on 6.2. That's where I do have a problem should Bill C-68 become law.

CHAIRMAN (Mr. Ningark):

I believe you can ask that question at the appropriate time when we are dealing with Bill 32. To the motion. Ms. Mike.

MS. MIKE:

Thank you, Mr. Chairman. I think I made it quite clear that I have no problem supporting the motion as is or I can go against it; it entirely depends on the

interpretation of what's in the bill because we could deal with this and pass it today if the motion is defeated.

CHAIRMAN (Mr. Ningark):

To the motion.

AN HON. MEMBER:

Question.

CHAIRMAN (Mr. Ningark):

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

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---Carried

Thank you. Do we have any further general comments on the committee report on Bill 32? Mr. Nerysoo.

HON. RICHARD NERYSOO:

Thank you, Mr. Chairman. As everyone knows, I had an opportunity to speak to the original bill that was introduced by our colleague, the honourable Member for Frame Lake, Mr. Dent. I believe that, in reviewing the comments that had been made in this Assembly and recognizing some major concerns that had been raised by Members and the positions that had been taken, and having read the report of the Standing Committee on Legislation, I must, Mr. Chairman, commend the honourable Member for responding to the concerns that were expressed and therefore considering them, I think, seriously and in the context that they were presented.

I want to say, Mr. Chairman, that having reviewed the legislation and taken the matter to my Cabinet colleagues and having had a discussion with them, I want to advise the honourable Members that we will be supporting the legislation that has been proposed by our colleagues --and the amendment is appropriate --and the recommendations and suggestions made in the discussions of the Standing Committee on Legislation.

I would like to raise two issues irrespective of whether or not we believe the legislation is important. One, the comments that have been made about the seriousness of the violations of the Criminal Code in the matter of sexual interference. I think these are of a

serious nature and we would never want to underestimate them, nor the seriousness of them. I do want to say one thing and that is that the same matter of concern we're raising with regard to those that have been offended should always also be seen in the context of those rights that are also offered under the Charter; that is, that there are certain defences, the fight to be innocent until proven guilty and the right of a defence to prove that the charges that have been alleged or stated may not, in fact, be proven to be truthful.

Recognizing that and recognizing the seriousness of the efforts of the honourable Member for Yellowknife Frame Lake and the recommended legislative change, we are prepared to support the recommendations of the honourable Member.

CHAIRMAN (Mr. Ningark):

Thank you. Do we agree that Committee Report 10-12(7), Report on Bill 32: An Act to Amend the Legislative Assembly and Executive Council Act, No. 2, is concluded?

SOME HON. MEMBERS:

Agreed.

Bill 32: An Act To Amend The Legislative Assembly And Executive Council Act, No. 2

CHAIRMAN (Mr. Ningark):

Qujannamiik. Now we will deal with Bill 32, An Act to Amend the Legislative Assembly and Executive Council Act, No. 2. Mr. Dent, do you have any opening remarks?

Mr. Dent's Introductory Remarks

MR. DENT:

Mr. Chairman, I think that most of the comments have been made during the debate on second reading but maybe just to recap where we are. I brought this bill forward as a follow-up to our zero tolerance declaration of February 1994. I think that more and more we're hearing from our constituents that politicians must lead by example. As others have said, this bill will take us one step further along that road. It's clear that the Legislative Assembly has the inherent right to discipline its Members. This bill simply codifies one form of discipline in some circumstances or situations.

A number of Members have pointed out that Bill 32 does not deal with all situations; it only serves to enforce the declaration of zero tolerance to violence. Some have suggested that this is a weakness but I would say to Members that let's not forget, as Ms. Mike eloquently pointed out on June 7th, violence and family violence in particular, is a major problem in our northern society. It is probably one of the most serious problems we face. So, it is important that MLAs set high standards and live up to the ideal that we adopted in our declaration of zero tolerance for violence. Should we do more? Yes, I think the motion just brought forward by the Member for Thebacha will help provide that guidance to the next Legislature. Yes, I think more should be done.

I think most Members got copies of the facilitator books for a program called "From Dark to Light." I was interested in reading in the forward of that book a letter from the Premier, as the Minister responsible for the Status of Women. She points out that Members of this Assembly have committed themselves to zero tolerance for violence. She points out there that this is a noble goal, but goals must be accompanied by action.

---Applause

Mr. Chairman, this Bill 32 is about action on zero tolerance to violence. Unfortunately, too many people are still in denial about the problem, too willing to tolerate violence by pretending it is something that is merely personal, a minor social problem. We have, as MLAs, all said that we won't tolerate violence by adopting the zero tolerance declaration. Now we need to stand up and show that we aren't just talking, that we'll walk the walk when it comes to tolerating violence. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Ningark):

Thank you. Before I open the floor for general comments or go clause by clause, I would like to ask the Member for Yellowknife Frame Lake if he wants to bring in a witness.

MR. DENT:

Mr. Chairman, unless Members have questions on the bill that are going to require legal counsel, that wouldn't be necessary. But, perhaps to save time, we should bring in legal counsel so we are prepared in case there is a question.

CHAIRMAN (Mr. Ningark):

Thank you. Do we have the concurrence of the committee that the honourable Member may bring in a witness?

---Agreed

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CHAIRMAN (Mr. Ningark):

Thank you. Sergeant-at-arms, please bring in the Witness.

Thank you. For the record, Mr. Dent, please introduce your witness.

MR. DENT:

Thank you, Mr. Chairman. With me today, I have our Law Clerk of the Assembly, Sheila MacPherson.

CHAIRMAN (Mr. Ningark):

Thank you. Welcome to the committee, Ms. MacPherson. We're dealing with Bill 32. Are there any general comments on the bill?

AN HON. MEMBER:

Clause by clause.

Clause By Clause

CHAIRMAN (Mr. Ningark):

Clause by clause has been requested. We will go clause by clause. Clause 1.

SOME HON. MEMBERS:

Agreed.

---Agreed

CHAIRMAN (Mr. Ningark):

Clause 2. Ms. Mike.

MS. MIKE:

Thank you, Mr. Chairman. I already asked the same question about the way section 6(2) is written, regarding the last few words "punishable on summary conviction." It doesn't say "only pertaining to." Can the interpretation be taken, if Bill C-68 is passed in the

Parliament, that this section can be used on people who have been convicted under that law?

CHAIRMAN (Mr. Ningark):

Thank you. Mr. Dent.

MR. DENT:

Thank you, Mr. Chairman. Mr. Chairman, perhaps we should have legal counsel confirm this but section 6(2), as I understand it, is simply restating the situation as it currently exists. In other words, right now this Legislature has the inherent right to discipline Members for any reason. I think that is what section 6(2) is restating; that, in fact, a Legislature always has the right to discipline its Members.

If a Legislature were to choose to discipline a Member for a breach of Bill C-68, then the Legislature could do that. But that could happen, Mr. Chairman, if we pass Bill 32 or not.

ACTING LAW CLERK (Ms. Stewart):

Thank you, Mr. Chairman. If I might perhaps clarify a bit, I believe the honourable Member is referring to section 6.1(2) which refers to where a Member, after his or her election, is convicted of an offence under the Criminal Code punishable on summary conviction. Clause (a) and clause (b) qualify which offences it is that the bill is referring to. It is only referring to those two offences in that provision, so it would not include offences pursuant to Bill C-68 or any other federal or territorial legislation. Those would have to be caught, as Mr. Dent has said, under (c) jurisdiction in 6.2.

CHAIRMAN (Mr. Ningark):

Thank you. Clause 2. Member for Thebacha.

Committee Motion 59-12(7): To Amend Clause 2 Of Bill 32, Defeated

MRS. MARIE-JEWELL:

Mr. Chairman, I would like to move a motion with regard to clause 2. Mr. Chairman, I move that clause 2 of Bill 32 be amended by

(a) striking out that portion of proposed subsection 6.1.(1) immediately preceding paragraph (a) and by substituting the following:

A member shall not be or sit as a member if, after his or her election, the Member is found guilty of and is

convicted or discharged of an offence under the Criminal Code prosecuted by indictment.

(b) striking out that portion of proposed subsection 6.1.(2) immediately preceding paragraph (a) and by substituting the following:

Where a member, after his or her election, is found guilty of and is convicted or discharged of an offence under the Criminal Code punishable on summary conviction.

CHAIRMAN (Mr. Ningark):

Thank you. I will pause momentarily until each and every Member gets a copy of the motion. The motion is in order. To the motion. Mr. Patterson.

MR. PATTERSON:

Thank you, Mr. Chairman. Mr. Chairman, I would like to request, through you, in order to assist the committee, if it might be explained to us under what typical circumstances a person might be discharged of an offence under the Criminal Code. Thank you.

CHAIRMAN (Mr. Ningark):

Thank you. Legal counsel.

ACTING LAW CLERK (Ms. Stewart):

The provisions relating to discharge are set out in the Criminal Code. A court has to enter into an examination and then make a determination that it is in the best interest of the accused person, and not contrary to the public interest, to grant either an absolute discharge or a discharge on conditions set out in a probation order. Those are the guiding parameters. Generally, a court will look at each case on an individual basis, determine the gravity of the offence, the effect and impact on the person, the impact on the victim of the offence, and make a determination.

CHAIRMAN (Mr. Ningark):

To the motion. Mrs. Marie-Jewell.

MRS. MARIE-JEWELL:

Thank you, Mr. Chairman. Before Mr. Patterson starts to speak, I would like to explain the intent of the motion. The intent of the motion is to look after individuals or Members who may be found guilty of sexual exploitation of children or violence against a

person. Someone may be found guilty, go to court and be granted a conditional discharge. I think the intent of this motion is to ensure that if a Member is found guilty and granted a conditional discharge, they will still have to resign as a Member. This is going to address all issues of violence against a person, threatened or attempted, and also address Members found guilty of an offence under the Criminal Code involving sexual exploitation of children. That is the intent of amending this bill to ensure that any

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Member found guilty of an offence is going to have to resign. Thank you.

CHAIRMAN (Mr. Ningark):

Thank you. To the motion. Mr. Ballantyne.

MR. BALLANTYNE:

Thank you, Mr. Chairman. Mr. Chairman, I have been a strong supporter of this bill. I have been a strong supporter of the philosophy which is contained in this bill, protecting women and children from violence. In committee, I moved the amendments which added sexual exploitation of children to the list of offences, and other amendments which protected the integrity of the Legislative Assembly in carrying out their mandate to be able to punish their own Members. What we did, I thought, was an amazing evolution in the discussion of this bill. We finally built a consensus between the government, ordinary Members, the women's organizations who appeared in front of the committee and from the letters I and other Members have received from many of the organizations out there who supported this bill.

I think this bill, in reality, is more symbolic than anything else because probably 95 per cent of offences will be covered now. If someone goes to jail, they will lose their seat. We are setting an example and I think the fact that we have gained this consensus is very important. It really means that the mind-set of the political leaders of the Northwest Territories has evolved and moved forward. There is a growing consensus out there in the Northwest Territories that violence won't be tolerated.

However, with this amendment, it leaves questions which make me a bit uncomfortable. As legal counsel explained, the situation where a conditional discharge can take place is only done under fairly careful scrutiny by a judge. A judge has the responsibility to

ensure that it won't have a negative impact on that society.

Originally in this debate, some Members of the Legislative Assembly and Members of the public were a bit worried about the net that we were casting and that there might be circumstances which we can't anticipate where an MLA may find themselves trapped by the letter of the law and may actually lose their job when the public can think that that wasn't required.

What I see happening here is that it is taking a bit of flexibility. If there are extenuating circumstances and a court grants an absolute discharge, then there might be cases where it shouldn't be automatic. We should be careful getting into this area because it is murky under law.

I agree that sexual exploitation of children, even with an absolute discharge, probably in 99 per cent of the cases, Members should still be thrown out. However, we still have that power fight now. Another thing --and I think Mr. Lewis brought this up --is now that we have talked about this, the public is going to demand that we do our jobs.

So I was satisfied with the work that Mr. Dent did, that the committee did and that the organizations around the territories have done. I think we have made a very good and strong first step in support of the zero tolerance for violence. I hesitate, at this point, to go ahead with this amendment. I understand what the Member is trying to achieve, but I won't be able to support this amendment, Mr. Chairman. Thank you very much.

CHAIRMAN (Mr. Ningark):

Thank you. To the motion. Mr. Patterson.

MR. PATTERSON:

Thank you, Mr. Chairman. I think I am in a similar quandary to that just expressed by Mr. Ballantyne. I once was a practising criminal lawyer and I do know, from time to time, there are cases where the facts produce the technical evidence of guilt, but the circumstances are truly exceptional. This does happen rarely, but it does happen. This is why the Parliament of Canada, in its wisdom, has given judges some discretion to convict but order an absolute or conditional discharge. So I do believe that we are setting a very high standard if we approve the

amendment of the Member. There will be virtually no exceptions under any circumstances.

So, Mr. Chairman, I have some foreboding that there may, in very exceptional circumstances, a miscarriage of a certain amount of unfairness that might occur.

I am comforted, however, when I realize that an MLA who lost his or her seat in such circumstances would still have the right to run again for public office. So in a circumstance, let's say an act of violence that was committed under extreme provocation, which is never an excuse for violence but does explain some kinds of human behaviour, given that we are all imperfect mortals, then the constituents would ultimately be able to judge whether the penalty of loss of seat was appropriate. So that comforts me, Mr. Chairman.

The second thing I think could happen, if we don't pass this amendment, is I can see defence lawyers saying to judges, in speaking to sentence, that the penalty imposed by the Legislative Assembly and Executive Council Act, the loss of a Member's seat, would far outweigh any penalty that the court might ordinarily impose, let's say for a first-time offender on a crime of common assault.

Mr. Chairman, I do believe that this severe penalty which we have placed in our legislation for very good reason, because of the high standards increasingly expected of us by the public and because of our own declaration of zero tolerance... I believe it would cause judges to otherwise use the absolute or conditional discharge so as to spare a person from the severe penalties that would be triggered by a conviction without a discharge by the provisions of the Legislative Assembly and Executive Council Act.

I think a lot of people who would be before the courts would have these severe penalties recited by a counsel in speaking to sentence and the judge might then order a conditional or an absolute discharge; creating, in effect, a loophole that probably would not seem desirable in some circumstances.

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Mr. Chairman, after having weighed the pros and cons, ultimately, what sways me is that people will ultimately decide whether a Member should lose his or her seat given that the Member has an opportunity to run for re-election in the subsequent by-election that would be held. With that safeguard in mind, that ultimately the judgement will be given by the constituents and not by a court, I'm prepared to

support the amendment but I think we should go in with our eyes open knowing that this sets up an extremely high standard for future MLAs. There will really be no room for exceptional circumstances, no room for looking at the interests of the accused. This will be a very high standard. I think we should vote on this amendment knowing that we're setting an extremely high standard for future Members of this Assembly. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Ningark):

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

AN HON. MEMBER:

Question.

CHAIRMAN (Mr. Ningark):

Question has been called. The Member for Thebacha.

MRS. MARIE-JEWELL:

Just a closing comment, Mr. Chairman. I find that if a Member is found guilty of an offence and then discharged of the offence, they can still remain as a Member under the current bill. Then, I believe, we lose the original intent of the bill. The intention of the amendment is to ensure that there are no loopholes in our bill. If you're found guilty then you're guilty and you should be removed. That's the purpose of bringing forth this amendment. Yes, it is indeed high standards and I would encourage Members to support it because we should be ensuring that we guide ourselves along standards to represent the people that we represent. Thank you.

CHAIRMAN (Mr. Ningark):

Mr. Whitford. To the motion.

MR. WHITFORD:

Thank you, Mr. Chairman. I apologize for having to speak after the mover of the motion but I did not catch your attention earlier on.

Mr. Chairman, I think the greatest fear in this amendment deals with the word "discharged." The way I understand it is that the key word in this thing is "convicted" and that the sentence that is imposed by the court later on is irrelevant. In certain offences, as some colleagues have pointed out, there may be extenuating circumstances and the judge may wish to impose a discharge. I think that in the categories that

we were dealing with and discussing earlier on, sexual exploitation and extreme violence, things of that nature, I think once a conviction is there, I have no objections to seeing a person removed from their seat.

There is no question about the integrity of Members here, that we're not ordinary individuals when it comes to the public's opinion. Every move we make and everything that we do is under scrutiny continuously and I think that if we have Members convicted of offences regardless of the sentence and they are allowed to sit in here, it would bring disgrace on the Legislative Assembly. I think that if they didn't resign, then this would force them to do that. If they wish to run again afterwards, they can do so. There's nothing stopping them if they can convince the electorate in their riding that they are worthy of that continued support.

When I said that I would support this it was based, as I said once they're found guilty of this offence then I think it is the right thing for them to do to resign and if they don't resign then this act will permit this to take place. I support this. I'm not afraid of this in any form. Thank you.

CHAIRMAN (Mr. Ningark):

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

AN HON. MEMBER:

Question.

CHAIRMAN (Mr. Ningark):

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

---Defeated

Clause 2. Member for Thebacha.

MRS. MARIE-JEWELL:

Thank you, Mr. Chairman. I would like to ask for clarification with regard to clause 2. If a Member is convicted of an offence under the Criminal Code and found not guilty or given a conditional discharge, is it correct to state that a Member does not lose their seat? Thank you.

CHAIRMAN (Mr. Ningark):

Thank you. Ms. Stewart, legal counsel.

ACTING LAW CLERK (Ms. Stewart):

Thank you, Mr. Chairman. My understanding of the question is if the Member is found guilty but not convicted --in other words, a discharge is granted on some basis --would the Member lose his or her seat. No, the Member would not lose their seat automatically under these provisions. If it's an offence prosecuted by indictment, there would be no automatic loss of eligibility. Similarly, there would be no need to inquire into the circumstances of the offence under the subsection 6.1.(2), but an investigation could proceed under section 6.2 and the Legislative Assembly could exercise its discretion to discipline the Member and expel them from the House.

CHAIRMAN (Mr. Ningark):

Thank you. Clause 2. Mrs. Marie Jewell.

MRS. MARIE-JEWELL:

Thank you, Mr. Chairman. Is it proper I guess the concern that I have is the current bill, it reads, "after his or her election...convicted of an offence under the Criminal Code." Nothing in there covers whether they are found guilty of an offence. They can be convicted of an offence and given an absolute discharge, whether or not they committed sexual exploitation of children or violence against a person, without having to lose their seat. They could be set free and given a conditional discharge.

You could have lawyers pleading to the judge that the Members are threatened with the loss of their seat and embarrassed by all the publicity, and they can ask for a conditional discharge, and that their client be placed on probation. Then a Member could come back and sit in the House, even though they've been found guilty. I don't think that's the intent of this bill.

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I'm just trying to find out whether that's correct, if a Member is found guilty, placed on probation and given a conditional discharge then this bill is no good. Would a Member still be able to come back and sit as a Member? Could I get a legal opinion on that?

CHAIRMAN (Mr. Ningark):

Ms. Stewart, legal counsel.

ACTING LAW CLERK (Ms. Stewart):

Thank you, Mr. Chairman. The Member's interpretation would be correct, except that there is still the remaining power in 6.2. for the Legislative Assembly to exercise its inherent jurisdiction to expel, suspend or discipline the Member. As a matter of fact, that inherent jurisdiction could even be exercised before a court rules on the matter. In other words, if the matter were sufficiently serious that the House felt it was necessary to do something immediately, before the matter even went to trial, the House could make a ruling on it, pursuant to the power in 6.2 before a court has even decided the matter.

CHAIRMAN (Mr. Ningark):

Thank you. Clause 2. Mrs. Marie- Jewell.

Committee Motion 60-12(7): To Amend Clause 2 Of Bill 32, Withdrawn

MRS. MARIE-JEWELL:

Thank you, Mr. Chairman. I would like to propose another motion. I move that clause 2 of Bill 32 be amended by:

(a) striking out that portion of proposed subsection 6.1.(1) immediately preceding paragraph (a) and by substituting the following:

6.1.(1) his or her election, the member is found guilty of and is convicted of an offence under the Criminal Code prosecuted by indictment.

(b) striking out that portion of proposed subsection 6.1.(2) immediately preceding paragraph (a) and by substituting the following:

(2) guilty of and is convicted of an offence under the Criminal Code punishable on summary conviction.

CHAIRMAN (Mr. Ningark):

I see some Members scrambling to take notes, so we will take a few minutes to get a written motion. Thank you.

---SHORT RECESS

CHAIRMAN (Mr. Ningark):

Thank you. I will call the committee back to order. You had a motion here, Member for Thebacha.

MRS. MARIE-JEWELL:

Mr. Chairman, I would like to withdraw my motion and submit another motion, if I may.

---Withdrawn

CHAIRMAN (Mr. Ningark):

Thank you. The original motion is withdrawn. Mrs. Marie-Jewell.

Committee Motion 61-12(7): To Amend Clause 2 Of Bill 32, Defeated

MRS. MARIE-JEWELL:

Mr. Chairman, I move that clause 2 of Bill 32 by amended by striking out that portion of proposed subsection 6.1 (1) immediately preceding paragraph (a) and by substituting the following:

A Member shall not be or sit as a Member if, after his or her election, the Member is found guilty of and is convicted of an offence under the Criminal Code prosecuted by indictment adding the following after proposed subsection 6.1(1):

Where a Member, after his or her election, is found guilty of and is discharged of an offence under the Criminal Code prosecuted by indictment a)involving the sexual exploitation of children, or in the commission of which Violence against a person is used, threatened or attempted, the Legislative Assembly shall, as soon as is reasonably practicable, determine whether it is necessary, in the public interest and in the interest of the Legislative Assembly, to expel the Member from the Legislative Assembly and to declare that his or her seat is vacant. striking out that portion of proposed subsection 6.1(2) immediately preceding paragraph (a) and by substituting the following:

(2) Where a Member, after his or her election, is found guilty of and is convicted or discharged of an offence under the Criminal Code punishable on summary conviction.

Thank you.

CHAIRMAN (Mr. Ningark):

Thank you. The motion is in order. To the motion. Member for Thebacha.

MRS. MARIE-JEWELL:

Mr. Chairman, the new section submitted in my amendment under (1.1), I believe, forces the Legislative Assembly to make a determination where there is a discharge or an indictable offence and the addition of "or discharge of" in subsection (2) does the same thing where there is the discharge of a summary conviction offence.

I think, for further clarification, if I may, I will ask legal counsel to explain this. It's basically allowing the Legislative Assembly to be able to determine where there is an indictable offence discharged to be able to find out whether it's in the public interest to remove that Member. If I may, I will ask legal counsel to further explain, Mr. Chairman. I would appreciate that. Thank you.

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CHAIRMAN (Mr. Ningark):

Thank you. Ms. Stewart, legal counsel.

ACTING LAW CLERK (Ms. Stewart):

Thank you, Mr. Chairman. As the Member has indicated, the motion has the effect of requiring the Legislative Assembly to make a determination of whether or not it is in the public interest and in the interest of the Legislative Assembly to expel the Member if he or she is found guilty of and is discharged of either an indictable or a summary conviction offence. It is broken into two paragraphs because the present Bill 32 deals with each type of offence separately.

CHAIRMAN (Mr. Ningark):

Thank you. To the motion. Mr. Allooloo.

MR. ALLOOLOO:

Mr. Chairman, how is this amendment different from the original? Could somebody explain to me what the differences are between the motion and the bill?

CHAIRMAN (Mr. Ningark):

Thank you. I recognize legal counsel.

ACTING LAW CLERK (Ms. Stewart):

Thank you, Mr. Chairman. The bill as it stands provides that if a Member is convicted of an indictable

offence, first of all, then they will automatically lose their seat. If they are granted a discharge, that provision will not apply because they are not considered to be convicted of an offence.

Similarly, in the bill under consideration, where the Member is convicted of a summary conviction offence, the Legislative Assembly has to make a determination of whether they ought to be expelled. Under the motion, it will cover both the situation where they are found guilty and convicted --in other words, under those circumstances, if they are convicted they are automatically expelled --or if they are found guilty of and discharged, then the Legislative Assembly will have to make a determination whether they ought to be expelled, in both the circumstances of an indictable offence and a summary conviction offence.

So, under the bill, it's automatic if they are convicted and nothing happens if they are discharged. Under the motion, if they are discharged, then the Legislative Assembly has to make a determination, so it's forced to make a determination in the event of a discharge.

CHAIRMAN (Mr. Ningark):

Thank you. To the motion. Mr. Lewis.

MR. LEWIS:

Mr. Chairman, I thought that one of the things that this act did, and it may be one of the most significant things, is that, because of the work that's gone into this, we've suddenly been brought face to face with the fact that as a Legislature, we have all kinds of powers. They already exist, and they are not enshrined anywhere. It's just that convention means that we can do all the things that this particular amendment would achieve anyway. So I would like to ask, Mr. Chairman, what in this particular amendment can't be achieved under 6.2, because under 6.2, as I understand it, we can do all the things that are referred to in this amendment?

CHAIRMAN (Mr. Ningark):

Thank you. Ms. Stewart.

ACTING LAW CLERK (Ms. Stewart):

Thank you, Mr. Chairman. The Member is correct that under 6.2, the Legislative Assembly can do everything that it can do under the motion. The motion forces the Assembly to make the determination. That's the only difference between the motion and 6.2.

CHAIRMAN (Mr. Ningark):

Thank you. I have Mr. Patterson. To the motion.

MR. PATTERSON:

Mr. Chairman, there has been a lot of work done on this bill by the committee and by counsel for the Department of Justice, and I think we have a good bill that is acceptable.

I am a little leery about amendments that are brought on the floor without much notice. I am satisfied from the last question that Mr. Lewis asked, that, under the present bill before us, section 6.2 gives the Assembly absolute power to consider every situation that might involve Members' conduct, whether that situation leads to a conditional discharge or an absolute discharge, or whether that conduct even comes to court.

I don't think we should fool around with that inherent right. It's spelled out clearly in 6.2. I don't think the future Assembly needs to be told, you have to use it in this situation. You shall use it in this situation. I trust the good judgement of the Members of the Legislative Assembly to exercise that inherent right where appropriate and as appropriate.

So I find the amendment superfluous and unnecessary, and I am going to vote against it. Thank you.

CHAIRMAN (Mr. Ningark):

Thank you. There was no question from Mr. Patterson. To the motion. Mr. Whitford. No? Make up your mind, Mr. Whitford, yes or no. Thank you. To the motion. Mrs. Marie-Jewell, and then I have Ms. Mike. Mrs. Marie-Jewell.

MRS. MARIE-JEWELL:

Thank you, Mr. Chairman. I find some of Mr. Patterson's comments to be somewhat offensive. I expressed these concerns in the Standing Committee on Legislation, and Mr. Patterson is on that committee; well, you hung around that committee enough.

---Laughter

MR. BALLANTYNE:

A committee groupie.

MRS. MARIE-JEWELL:

Mr. Chairman, I find that this bill ...If Mr. Patterson is talking about the inherent right of this Assembly, this bill and the intent of this bill is already in the act of the Assembly; all we're doing is making it more specific. What I'm doing is trying to attempt to close a loophole. For example, nothing is stopping some sophisticated individual from this Assembly from being found guilty of an offence, getting a good lawyer --whether it's O.J. Simpson's lawyer or whomever --to come in and basically plead for a conditional discharge, taking into account that the Member could lose their seat, they could be publicly embarrassed and the judge may have sympathy and give that Member a conditional discharge after that Member may have slapped his or her spouse around.

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I think the intent of this bill was to remove Members who conducted themselves in that manner. If you get a conditional discharge, basically you're allowing those Members to sit in the House. I think we're, again, creating double standards for ourselves. What I'm trying to do is be specific: if you're found guilty of a violent offence or an offence involving sexual exploitation of children, then you're guilty and you should be out of the House. No ifs, ands or buts. That's the intent of this amendment.

Mr. Chairman, I think I've made it fairly clear that I don't think we can allow ourselves to set double standards among Members because no Member is better than the other; we're all elected by our constituents to represent them. I certainly hope that Members will consider this amendment and support the amendment. With that, Mr. Chairman, I would like to ask for a recorded vote. Thank you.

CHAIRMAN (Mr. Ningark):

Thank you. I would like to remind the Members, without taking the Member's right to freedom of speech, not to make a statement that may provoke argument in the committee. On the list I have Ms. Mike.

MS. MIKE:

Thank you, Mr. Chairman. I have a few comments to make to remind the Members here that I think our Assembly has a fairly good track record of Members stepping down. As I recall, one Member resigned a

seat even before the court appearance, as soon as the complaint was laid against him of sexual assault. There were two other Members after that. I agree with Mr. Lewis that we do have the convention that we can do just about anything in this House if we are not happy or not satisfied with the way Members conduct themselves.

The other thing, as well, is that last fall we passed a bill that allows inmates to vote, which is part of a democratic right. Here we are sitting down, basically trying to halt the democratic process that Canada has been so famous for. With this particular amendment, the way it is, I have a problem supporting it. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Ningark):

Thank you. To the motion.

AN HON. MEMBER:

Question.

CHAIRMAN (Mr. Ningark):

Question has been called. It is a recorded vote. All those in favour of the motion, please rise.

Recorded Vote

CLERK OF THE HOUSE (Mr. Hamilton):

Mrs. Marie-Jewell, Mr. Dent.

CHAIRMAN (Mr. Ningark):

All those opposed to the motion, please rise.

CLERK OF THE HOUSE (Mr. Hamilton):

Mr. Patterson, Mrs. Thompson, Mr. Ballantyne, Mr. Koe, Mr. Allooloo, Mr. Arngna'naaq, Mr. Ng, Mr. Pollard, Ms. Cournoy, Mr. Morin, Mr. Todd, Mr. Nerysoo, Mr. Whitford, Mr. Lewis.

CHAIRMAN (Mr. Ningark):

All those abstaining, please rise.

CLERK OF THE HOUSE (Mr. Hamilton):

Mr. Zoe, Mr. Antoine, Ms. Mike, Mr. Pudluk.

CHAIRMAN (Mr. Ningark):

Thank you. We have two yeas, 14 nays and four abstentions. The motion is defeated.

---Defeated

For the record, at the witness table we have Mr. Dent and Ms. MacPherson and we are dealing with clause 2 of Bill 32. Mrs. Marie-Jewell.

MRS. MARIE-JEWELL:

Thank you, Mr. Chairman. I recognize that under the current Legislative Assembly and Executive Council Act, the Members of this Assembly have under convention as it's stated by other Members, the ability to punish Members who have been convicted under the Criminal Code. Whether the Members decide to do so is up to the Members of this Assembly. I've been a Member for the past eight years and I've noted that whether a Member gets into any type of trouble with the law, when it comes into the public forum all Members stay quiet about it. Members may apologize to the House or whatever, but whether we actually enforce that act or not is discretionary.

I would like to ask legal counsel whether there is a need for this particular clause since it's my understanding that under our current act, we can discipline a Member accordingly. I would like some clarification on that. Thank you.

CHAIRMAN (Mr. Ningark):

Ms. Stewart, the legal counsel.

ACTING LAW CLERK (Ms. Stewart):

Thank you, Mr. Chairman. As has already been mentioned by a number of the Members, in fact, clause 2 is a very specific instance or a specific example of a power that already rests in the Legislative Assembly. The Legislative Assembly has the power, has the right to expel Members for such reasons as it sees fit, provided that it does not attempt to limit the ability of the Member to run again and be re-elected. That's how it does exist in the Legislative Assembly at the moment.

CHAIRMAN (Mr. Ningark):

Thank you. Clause 2. The Member for Thebacha.

MRS. MARIE-JEWELL:

Can I get clarification? Under the current act that we're amending, the Legislative Assembly has the

right or the power to expel a Member if they feel it's in the public interest to remove that particular Member. Is that correct?

CHAIRMAN (Mr. Ningark):

Ms. Stewart, legal counsel.

ACTING LAW CLERK (Ms. Stewart):

Thank you, Mr. Chairman. I'm sorry, I wasn't perhaps as clear as I might have been. The power does not exist in statute or in the Legislative Assembly and Executive Council Act. The power is an inherent power. It exists to protect the honour and the integrity of the legislative Assembly so it does not exist in the act. It is an inherent power and it does permit the Legislative Assembly to do the things that are set out in clause 2, whether clause 2 exists or not.

CHAIRMAN (Mr. Ningark):

Thank you. Member for Thebacha.

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MRS. MARIE-JEWELL:

Mr. Chairman. I'm just trying to determine...It is not currently in our act to discipline other Members, is that correct?

MR. SPEAKER:

Ms. Stewart, legal counsel.

ACTING LAW CLERK (Ms. Stewart):

That's correct. It's not set out in the act. It is one of the privileges of the House, in the same way that the House might have a privilege with respect to defamatory statements that might be made in the House, control over publication, the ability to exclude strangers from the House, that kind of matter. It's an inherent power, an inherent privilege of the Legislative Assembly.

CHAIRMAN (Mr. Ningark):

Thank you. Clause 2. Mrs. Marie- Jewell.

MRS. MARIE-JEWELL:

Thank you, Mr. Chairman. I'm trying to get some clarity about how to avoid double standards, where Members are convicted by the law. Can we get some kind of legal opinion with respect to double standards

being created by this clause, in the event it passes? There may be cases where Members are found guilty of an offence and where other Members are found guilty and given a conditional discharge; the Member found guilty and convicted cannot sit as a Member, and the other Member found guilty and given a conditional discharge can sit. Therefore, is it correct to state that clause 2 can cause double standards in the amendment to the Legislative Assembly and Executive Council Act that is being put forth?

CHAIRMAN (Mr. Ningark):

Legal counsel, I don't know if you can answer the question about double standards in a legal aspect.

ACTING LAW CLERK (Ms. Stewart):

To the extent where there's a legal interpretation, Mr. Chairman, the interpretation would be that clause 2 creates one single standard. If the person is convicted, they will be dealt with in a certain way, depending on whether or not they're convicted of an indictable offence or a summary conviction offence. I suppose if there is a double standard, it would relate to the disposition of the person in the court but not in the Legislative Assembly. The single standard applies where there is a conviction.

CHAIRMAN (Mr. Ningark):

Thank you. Clause 2. Member for Thebacha.

MRS. MARIE-JEWELL:

So, if that's the case, Mr. Chairman, how does it apply to Members who are found guilty and given conditional discharges?

CHAIRMAN (Mr. Ningark):

Thank you. Ms. Stewart.

ACTING LAW CLERK (Ms. Stewart):

A person who is given a discharge is considered, in the eyes of the law, not to be convicted and therefore does not fall within the provisions of clause 6.1.(1) and 6.1.(2), Mr. Chairman.

CHAIRMAN (Mr. Ningark):

Thank you. Clause 2. Member for Thebacha.

MRS. MARIE-JEWELL:

Thank you, Mr. Chairman. I would like clarification on clause 6.1.(2) where it reads "...where a

member who, after his or her election, is convicted of an offence under the Criminal Code punishable on summary conviction." There is a section reading the following: "The Legislative Assembly shall, as soon as reasonably practical, determine whether it is necessary in the public interest and in the interest of the Legislative Assembly, to expel the Member from the Legislative Assembly and to declare that his or her seat is vacant."

Is this particular clause correct that the Assembly can remove an elected Member provided they are found guilty? If they are found guilty and given a conditional discharge, then they cannot remove that Member.

CHAIRMAN (Mr. Ningark):

Thank you. Legal counsel, Ms. Stewart.

ACTING LAW CLERK (Ms. Stewart):

Thank you, Mr. Chairman. That interpretation of the Member is correct. If they are convicted, the process will ensue where the Legislative Assembly must make a determination. If they are found guilty or plead guilty, are found guilty and given a discharge, they are not considered to be convicted and no determination need be made under that section, although there is always the remedy under 6.2.

MR. PATTERSON:

Right.

CHAIRMAN (Mr. Ningark):

Thank you. Clause 2. Mrs. Marie-put Jewell.

MRS. MARIE-JEWELL:

So does that mean that if a Member is found guilty and given a conditional discharge, if this Assembly decides to remove that Member, in the event this bill passes, 6.2. will remove that Member in totality from his seat?

CHAIRMAN (Mr. Ningark):

Thank you. Ms. Stewart.

ACTING LAW CLERK (Ms. Stewart):

Thank you, Mr. Chairman. That interpretation would be correct; 6.2. would permit the Legislative Assembly

in those circumstances to expel the Member from the Legislative Assembly.

CHAIRMAN (Mr. Ningark):

Thank you. Member for Thebacha.

MRS. MARIE-JEWELL:

"Expel" meaning to remove them totally from their seat. There would have to be another election for that riding.

CHAIRMAN (Mr. Ningark):

Thank you. Ms. Stewart.

ACTING LAW CLERK (Ms. Stewart):

That is correct. "Expel" meaning to remove them from their seat.

CHAIRMAN (Mr. Ningark):

Thank you. Clause 2.

SOME HON. MEMBERS:

Agreed.

---Agreed

CHAIRMAN (Mr. Ningark):

Member for Thebacha.

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MRS. MARIE-JEWELL:

With that, Mr. Chairman, I just want to indicate the intent of the amendments were to attempt to do that without having the Members forced to do that. That was the intent of the amendment. I have never yet, in my eight years being an MLA, ever seen this Assembly attempt to discipline their Members accordingly. I just find that when we are forced to discipline a Member, I find it unfair. I thought that the intention to explicitly read it out and place it into the bill would have avoided creating that animosity among the Members of the Assembly.

CHAIRMAN (Mr. Ningark):

Thank you. Clause 2. Mr. Patterson.

MR. PATTERSON:

I don't want to start a debate, Mr. Chairman. I think the Member's motions have been dealt with. However, for clarification, there have been two occasions in my time in the Legislature where the Assembly has employed its inherent powers to deal with Members' conduct. In those two cases, which I need not spell out, Members were stripped of their committee memberships. So just for the record, that has happened on two occasions since I have been a Member, Mr. Chairman. Thank you.

CHAIRMAN (Mr. Ningark):

Thank you. I believe there were no questions there. Clause 2. Mr. Antoine.

MR. ANTOINE:

Thank you, Mr. Chairman. On Bill 32, An Act to Amend the Legislative Assembly and Executive Council Act, No. 2, I have received a lot of form letters from my constituents. Someone must have done a good campaign on this one. I have a concern about clause 2. I have no problem with a Member not sitting as a Member if the Member is convicted of an offence under the Criminal Code, prosecution by indictment involving the sexual exploitation of children.

The second one is in the commission of which violence against a person is used, threatened or attempted. In (b), I understand Mr. Dent's arguments and I understand the majority of the people who support this one in this House. However, one area I'm concerned about is, as an aboriginal person --and this happened across Canada already --in some areas where aboriginal people do not like what the government is doing in their territories, they take up action against the government in the form of roadblocks; taking positions on what they believe in. This is the area that I'm concerned about, that if a Member of the Legislative Assembly --and the majority of these people take a roadblock action against the government John Todd were to get his northern accord through but the Deh Cho didn't agree with it, if he were to permit oil companies to go in an area and people take action --that may be a bad example, but let's say that's an example that could happen -- the Members of the Legislative Assembly who represent these people would want to be with their people. If that happens, then what would happen to the Member in this case if they were convicted by taking such an action against the government? Would that person lose his seat because he has taken action with the people who he is representing?

I wonder if this Assembly or the Standing Committee on Legislation has ever looked at that part of this legislation, because it could happen, it has happened across the country. Because such an action, if people are convicted under the Criminal Code, such as has happened in other parts of the

country...A good example, I'm told, is that in the beginning of this country, Louis Riel, the founder of Manitoba, was elected fairly and squarely by the people in Manitoba. When he went to Ottawa, the government of the day would not allow him to take his seat because he was convicted under the Criminal Code; something to that effect. This is quite an extreme, but we're setting this bill up for the future and we have to be careful how we do it. This is the part of the bill I have had concern with. In talking to other people and my constituents about this, there is no problem with the intent of the other parts of this bill, but I'm concerned about that part of this bill ... if that scenario has been explored; if not, why? If you have, can you tell me, if you could find out if this concern has been addressed? Thank you.

CHAIRMAN (Mr. Ningark):

Thank you. I believe that is sort of in the area of democratic rights to exercise their rights. Ms. Stewart.

ACTING LAW CLERK (Ms. Stewart):

Most of the offences involved in establishing roadblocks are offences that do not involve the commission of an offence in which violence against a person is used, threatened or attempted. They would be such things as unlawful assembly; trespass; breach of a court order; that type of an offence.

If the line were crossed into an offence involving violence such as rioting or attack as we have seen in Yellowknife itself where there have been roadblocks established at the mines here, there have been assault charges arising. Those are offences in which violence is used. But simply the act of establishing a roadblock or manning a roadblock would normally not be a type of offence involving violence used against a person, either threatened or attempted.

My recollection of the discussion in the Standing Committee on Legislation was that this matter was not specifically addressed but perhaps Mr. Dent would care to elaborate, if there was some consideration of that in the preparation of the bill, as it is his bill.

CHAIRMAN (Mr. Ningark):

Thank you. Mr. Dent.

MR. DENT:

Thank you, Mr. Chairman. When I was present at the Standing Committee on Legislation, I don't remember this issue coming up for discussion. I'm certain that Mr. Antoine is right, that the example he gave is extreme and Mr. Todd would never take such actions as would lead to a blockade.

---Laughter

The wording of the bill is taken from the Criminal Code. It follows the section that has to do with the use of a firearm and the commission of an offence. The reason for that is to provide some certainty that the words that are used would have some legal basis, should a case come to court, that there be a precedent for the wording, as I understand it.

I would hope that a Member of this Legislature, in a situation such as Mr. Antoine has outlined, would be involved in passive resistance. To lose their seat as a result of a conviction; under this bill, a Member would have to commit violence or threaten violence against a person. I don't think that, typically, in a blockade you're going to see that.

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I would hope that Members of the Legislature, if they are involved in civil disobedience, are involved in situations of passive resistance, rather than active ones. I guess, as Members, we have to take a look at a situation where if something were happening on the authority of this Legislature and a Member was involved in a situation, then it is important that the Members of the Legislature do, in fact, discuss whether or not that person should continue to sit as a Member.

The situation, as Mr. Antoine has outlined, would mean that a Member would, in fact, be working against something that the Legislature, itself, had said was the way things should happen. In my mind, it would be right that we would at some time be discussing whether or not that person should continue to sit as a Member. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Ningark):

Thank you. Clause 2. Member for Nahendeh.

MR. ANTOINE:

Thank you. Another example would be where recently, the Member of Parliament from BC, Svend Robinson, got charged with helping a blockade. He was found guilty and got to stay in the House of Commons as a Member. I don't know if this was passive resistance or not, but something like that is what I'm concerned about. It is going to be left up to the Legislative Assembly, I guess, according to the bill, to determine whether a person would be expelled or not. It is still a concern of mine. I've thought about it and it is going to be a difficult one to judge.

Today the make-up of the Legislative Assembly is a majority of aboriginal people, but as we go on and after 1999, I understand this bill is going to stay there but the make-up will change. I am concerned about the future. You may understand what I am trying to address. In the future, it will be different. So I have a concern about that. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Ningark):

Thank you, Mr. Antoine. Mr. Dent.

MR. DENT:

Thank you, Mr. Chairman. I believe Mr. Antoine is referring to Svend Robinson. In my understanding of the situation is correct, he was involved in a blockade in which an injunction against a blockade had been issued. He was charged and convicted of criminal contempt, but there was no indication of any violence having been used. So in a similar situation, this bill would not necessarily have any effect. That is what I was saying when I answered the first time, Mr. Chairman. If a Member of this Legislature were involved in a civil disobedience or a civil unrest situation in a passive role, there would be no effect resulting from this bill even if criminal charges were laid because to have this bill take effect, there has to be some violence used against a person.

CHAIRMAN (Mr. Ningark):

Thank you. Mr. Antoine and then Mrs. Marie-Jewell. Mr. Antoine.

MR. ANTOINE:

Thank you, Mr. Chairman. The example is civil disobedience. If the government of the day decides to be contrary to a group in one particular area, then there is some action taken. Sometimes there are roadblocks. We are just using that as an example. As a Member of the Legislative Assembly and a resident

of that area, I would be expected to participate with represented people. In a situation like that,

things could escalate from civil disobedience in a passive way. If people start shoving each other around or threatening each other, it could be used as a threat. It says, "In the commission of such violence against a person is used, threatened or " There will be a very fine line if this person is going to be found convicted under this offence. It is a very fine line. Thank you.

CHAIRMAN (Mr. Ningark):

Thank you. Clause 2. Mr. Dent.

MR. DENT:

Thank you, Mr. Chairman. I have been advised that under the Criminal Code, it is only necessary to threaten an assault. If that can be proven, you may be convicted. Again, the wording just follows on from what is in the Criminal Code. That is the sort of wording that is there right now. Right now, a person could be convicted of an assault without any physical contact.

CHAIRMAN (Mr. Ningark):

Thank you. Clause 2. Member for Thebacha.

MRS. MARIE-JEWELL:

Mr. Chairman, just to follow up on my colleague's comments, Mr. Dent indicated that the Member's charges that fall under this bill are violence against a person, but in the event that a Member partakes in some type of roadblock or protest, etcetera, and there are threats being exchanged without any physical violence being exchanged, is it not correct that with the threats alone, the Member can be charged. Can I get clarification on that?

CHAIRMAN (Mr. Ningark):

Thank you. Are you asking the mover of the motion? Mr. Dent.

MR. DENT:

Thank you, Mr. Chairman. I believe that Mrs. Marie-Jewell is right. When I was answering previously, I should have included not just when violence was used but when it was also threatened. Maybe I should get legal counsel to provide clarification. I could ask Ms. MacPherson.

CHAIRMAN (Mr. Ningark):

Ms. MacPherson.

MS. MACPHERSON:

Thank you, Mr. Chairman. In the example that Mrs. Marie-Jewell described where violence is threatened against another person or persons --in the plural - for example in a picket line or in a blockade, yes, it is possible that charges of assault could be laid. The Criminal Code defines assault as a person who commits an assault when he applies force intentionally to another person or he attempts or threatens to apply force intentionally. So if there are threats of violence being levied at a picket or in a blockade, then an assault charge could be laid and if a person were convicted, the provisions of Bill 32, if passed, would come into effect. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Ningark):

Qujannamiik. Clause 2 of Bill 32. Member for Thebacha.

MRS. MARIE-JEWELL:

Just for further clarification, Mr. Chairman, if I could ask the mover of the bill, could they give an example of when violence against a person is used or attempted? Can they give an example of clarification on the word "attempted"? What's attempted violence, when you lift up your hand toward striking a person or make a motion towards

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walking towards them? Can they give us an example of attempted violence. Thank you.

CHAIRMAN (Mr. Ningark):

Thank you. Can you substantiate, Mr. Dent.

MR. DENT:

Mr. Chairman, I believe the Member is correct in what she has said but not being a lawyer, I'll ask legal counsel, if you wouldn't mind, to answer. Thank you.

CHAIRMAN (Mr. Ningark):

Thank you. Legal counsel, Ms. MacPherson.

MS. MACPHERSON:

Thank you, Mr. Chairman. Mrs. Marie- Jewell is correct. If I lifted up my hand to try to strike somebody else, that would be an act of violence because I would be attempting to strike somebody else. A case where violence is threatened is where I sit here and I say I'm going to hit you but I don't do anything. I'm threatening an act of violence as contrasted with a physical move which is captured under the heading of an attempt. If I move towards Mrs. Marie- Jewell in a threatening fashion, that could be construed as an act of violence. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Ningark):

Thank you. The honourable Member for Thebacha.

MRS. MARIE-JEWELL:

Can we get clarification from Mr. Dent's legal counsel on what is the definition of "threatened." How do you interpret it legally?

CHAIRMAN (Mr. Ningark):

Thank you. Ms. MacPherson.

MS. MACPHERSON:

Thank you, Mr. Chairman. It can be interpreted in a number of different ways depending on the facts. It would be very dependent on the facts of each case. I can tell you that the Criminal Code states that the attempt or the threat has to be done in such a fashion that the person who is receiving the threat believes, on reasonable grounds, that the assaulter has the means of carrying out the assault.

So, if I'm here and I lift my hand towards Mrs. Marie- Jewell, there's probably not a realistic prospect that I could carry out my assault on you because of the presence of the Sergeant-at- Arms. It depends on the context in which the gesture is made. The person who is the target, if you will, of the attempt or the threat has to believe on reasonable grounds that I have the present ability to carry it out. There has to be some realism to the threat or the attempt in order for it to be caught under this section. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Ningark):

Thank you. Just like when we are playing baseball, when it's a strike in baseball, how far do you go? On clause 2. Member for Thebacha.

MRS. MARIE-JEWELL:

Mr. Chairman, I think it's important that these types of comments get on the record for future reference, especially in the event that a Member gets charged with any of these types of offences and that there's a clear understanding of what the public should expect. I would like to ask Mr. Dent's legal counsel whether or not there has been any case law reviewed and if there has been case law concerning the definition of "threatened" or attempted violence.

CHAIRMAN (Mr. Ningark):

Thank you. Ms. MacPherson.

MS. MACPHERSON:

Thank you, Mr. Chairman. I'm confident that there is case law on this. The charge of assault is a very common one and it covers in it a number of different elements. I'm very confident that there has been case law that considers this section in many different factual contexts. It is difficult to deal with this section without having a factual context to place it in, because it depends so much on whether there is a reasonable belief that the assaulter has the means of carrying out the assault. That would very much be dependent on the facts in each and every case, as to whether your belief was reasonable and whether I had the means to carry out my threat or attempt. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Ningark):

Thank you. The time being 6:00 pm, I will recognize the clock and report progress. Mr. Dent, Ms. MacPherson, Ms. Stewart, thank you.

MR. SPEAKER:

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

ITEM 20: REPORT OF COMMITTEE OF THE WHOLE

CHAIRMAN (Mr. Ningark):

Thank you, Mr. Speaker. Your committee has been considering Committee Report 10-12(7) and Bill 32 and would like to report progress with one motion being adopted, and that Committee Report 10-12(7) is concluded. Mr. Speaker, I move that the report of committee of the whole be concurred with. Thank you.

MR. SPEAKER:

Thank you. It is seconded by Mr. Whitford. 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. Antoine.

MR. ANTOINE:

Mr. Speaker, I seek unanimous consent to go back to item 3, Members' statements.

MR. SPEAKER:

The Member for Nahendeh is seeking unanimous consent to go back to item 3, Members' statements. Are there any nays? There are no nays. Please proceed, Mr. Antoine.

REVERT TO ITEM 3: MEMBERS' STATEMENTS

Member's Statement On Art Display By Aurora College Fine Arts Program Participants

MR. ANTOINE:

Mahsi, Mr. Speaker. Mr. Speaker, there is an art display in the great hall here at the Legislative Assembly. The display was done by participants of the fine arts program of Aurora College. This program was held in Fort Simpson from February 13th to May 12, 1995. The instructor was Bill Nasogaluak from Tuktoyaktuk. It started off with nine students from Fort Simpson and live completed the program. Six of the art pieces are in the great hall and they are by John Sabourin,

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Floyd Grossetete, Randy Sibbeston, Jerome Thomas, Danny Allaire and Sandy Whitteker.

Mr. Speaker, I would like to thank you on behalf of these students and their instructor for having the display here. The reason for it is to help these young artists show what they have done in this fine arts program. The idea here is to show people here and other people in Yellowknife what kind of work they

have done in such a short time and that they would like to continue in their pursuit of the ad world.

I guess the question here to the Minister is, where do we go from here? second semester, from September to December, and hopefully, there will be some funds available for them.

So with that, I would like to thank you, Mr. Speaker.

---Applause

MR. SPEAKER:

Item 3, Members' statements. Item 21, third reading of bills. Item 22, orders of the day. Mr. Clerk, orders of the day.

ITEM 22: ORDERS OF THE DAY

CLERK OF THE HOUSE (Mr. Hamilton):

Mr. Speaker, the meeting of the Nunavut Caucus immediately after adjournment this evening. Meetings tomorrow at 9:00 am of the Caucus, at 10:30 of the Ordinary Members' Caucus. Orders of the day for Tuesday, June 13, 1995:

1. Prayer
2. Ministers' Statements
3. Members' Statements
4. Returns to Oral Questions
5. Recognition of Visitors in the Gallery
6. Oral Questions
7. Written Questions
8. Returns to Written Questions
9. Replies to Opening Address
10. 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
 - Bill 34, Supplementary Appropriation Act, No. 1, 1995-96
18. Second Reading of Bills
19. Consideration in Committee of the Whole of Bills and Other Matters
 - Committee Report 11-12(7), Report on the Review of Bill 25 -The Education Act
 - Bill 25, Education Act
 - Bill 32, An Act to Amend the Legislative Assembly and Executive Council Act, No. 2
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. This House stands adjourned until Tuesday, June 13, 1995, at 1:30 p.m.

---ADJOURNMENT