



**NORTHWEST TERRITORIES
LEGISLATIVE ASSEMBLY**

7th Session

Day 47

12th Assembly

HANSARD

THURSDAY, JUNE 15, 1995

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Speaker: The Hon. Samuel Gargon

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MEMBERS PRESENT

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

ITEM 1: PRAYER

---Prayer

SPEAKER (Hon. Samuel Gargan):

Thank you, Mr. Allooloo. Good afternoon. Orders of the day; item 2, Ministers' statements. Mr. Morin.

ITEM 2: MINISTER'S STATEMENTS

Minister's Statement 92-12(7): Sahtu Residents Return Home

HON. DON MORIN:

Thank you, Mr. Speaker. Today, residents of Fort Norman and Norman Wells are returning home.

---Applause

Although the forest fire which forced the evacuation continues to burn, it is not a threat to the communities at this time. The caterpillar tractors are completing a fireguard between the fire and the communities and the perimeter of the fire is being closely monitored. An infrared scanner is being used to find hot spots which must be dug up and watered down to be put out. Over the next 10 days, the fireguard will be completed and fire crews and air tankers will remain on site to help put out hot spots.

Now that the communities are no longer threatened, this will be my final statement on the Sahtu forest fire. Once again, I would like to thank the fire crews who continue their hard work, those people who helped and opened their homes to the evacuees, and the residents of Fort Norman and Norman Wells for their patience and cooperation. As the weather forecast continues to be for hot and dry conditions, I remind

everyone, as the weekend approaches, to be careful when out on the land. Thank you, Mr. Speaker.

---Applause

MR. SPEAKER:

Thank you. Item 2, Ministers' statements. Ms. Cournoyea.

Minister's Statement 93-12(7): Family Law Legislation

HON. NELLIE COURNOYEA:

Thank you, Mr. Speaker. Mr. Speaker, later today I will be tabling two proposed acts: the Child and Family Services Act and the Adoption Act. The draft legislation is based on recommendations made by Members of the family law review committee. This group recommended substantial changes to the Child Welfare Act, many of which are incorporated into the proposed acts.

Our current Child Welfare Act was drafted in the 1960s. It is outdated and no longer meets our needs. It is time to bring forward legislation that supports and strengthens family ties and enables communities to become more involved in child and family service matters. Tabling these documents now will enable further dialogue about family law and child welfare issues that are of major concern to all residents of the Northwest Territories.

Mr. Speaker, it is anticipated that this next phase of the consultation process will involve seeking ideas from young people, parents, helping agencies, aboriginal groups, women's groups and other interested persons. Finding a balance between the roles and responsibilities of government and of parents in raising and protecting children, especially children at risk, is a difficult task. There are bound to be some parts of these proposed acts that are controversial and it will not be possible for everybody to agree. The important thing, however, is to start exploring these issues and to involve the public in the discussion.

These legislative initiatives will be dealt with by the Members of the next Legislative Assembly. Meanwhile, public consultation that is needed to move towards a family-based, service-oriented child welfare system will continue. Thank you, Mr. Speaker.

---Applause

MR. SPEAKER:

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

Minister's Statement 94-12(7): Family Law Legislation

HON. STEPHEN KAKFWI:

Mr. Speaker, later today it will be my pleasure to table two proposed acts in the area of family law reform: a proposed Children's Law Act and a proposed Family Law Act.

The tabling of these proposed acts is for the purpose of facilitating the next stage of public consultation in the process of family law reform, which began back in December of 1988, when the Ministers of Justice and Social Services commissioned an eight-member working group to review family law in the Northwest Territories and to make recommendations for change. The working group included representatives from a number of interested organizations. Their work resulted in the family law review report received in September, 1992.

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The report of the working group has provided guidance to the Department of Justice in our work on legislative reform. The Department of Justice developed a discussion paper in response to the family law report and circulated the discussion paper to interest groups in 1994. It received positive comments.

Throughout the process, the departments of Justice and Health and Social Services have been coordinating their efforts. Following the completion of the last round of consultation, the departments proceeded to draft four new proposed acts. As Minister of Justice, I will be tabling two of these proposed acts and, as announced, the Minister of Health and Social Services will be tabling the other two.

The proposed Children's Law Act covers the legal status of children, the establishment of parentage, custody of and access to children, support for children, and guardianship of a child's estate. The proposed Family Law Act covers the division of family property, the rights of spouses in a family home, support for spouses and other dependants, and domestic contracts.

The Department of Justice, in cooperation with the Department of Health and Social Services, will be continuing its consultation, using these proposed acts as a foundation for discussion. Some of the areas of law are complex, and review of the proposed acts as a package will assist people in placing the proposals in context.

I am looking forward to receiving comments from the public so that the government can proceed with the development of legislation for consideration by the 13th Legislative Assembly. Mr. Speaker, family law reform is a huge undertaking for a government and the people of a province or territory. The tabling of the proposed acts today demonstrates that significant progress has been made by this Legislature. Thank you.

---Applause

MR. SPEAKER:

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

Minister's Statement 95-12(7): Dismissal Of Employees

HON. NELLIE COURNOYEA:

Mr. Speaker, I have reviewed the procedures relating to termination proceedings against the assistant manager of air operations and an air attack officer stationed in Fort Smith. I am satisfied the government has handled this matter properly and that there has been no political interference.

I understand the secretariat has now sent letters to both employees that officially advise them of the recommendation and allow them five days to respond. In addition, an investigation is being carried out by labour relations. Following a review of the employees' submissions and the completion of the investigation, this matter will be determined and the employees will be notified. Thank you, Mr. Speaker.

MR. SPEAKER:

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

ITEM 3: MEMBERS' STATEMENTS

Member's Statement On Benefits Of NWT Mines

MR. WHITFORD:

Thank you, Mr. Speaker. Mr. Speaker, Members will notice the items on their desk, and it is probably not necessary to remind everybody that June 12th to June 18th of this year is Mining Week. Since prospectors arrived here on their way to and from the Yukon gold rush -- at least in Yellowknife -- found rich gold samples, the toil and dreams related to mining in this region began.

CM&S, now Miramar Mine, poured its first brick back in August of 1938 and the little town of Yellowknife has since grown to the point of crowding mining property lines. In 1986, Giant Mine poured its 10,000th gold brick, one of the very few gold mines in the world to reach that level of production. Of course, the latest hope are the diamond fields that lay beyond the Canadian Shield in the Slave province. As the highest-priced commodity in the world, it is estimated that one high-yielding diamond region would have the economic potential to equal ten Yellowknife gold mines.

Pine Point was responsible for the construction of the third hydro plant in the Northwest Territories in the Taltson River. Great Bear Lake's Eldorado Mine initiated river shipping and Eldorado's need for fuel was instrumental in bringing the Norman Wells oil fields into current production. The Mackenzie Highway was constructed to reach the gold mining town of Yellowknife, long before it became a government centre. The territories' only rail road was built in 1964 to service Pine Point and its world-class deposit of lead and zinc ore.

Mr. Speaker, I seek consent to continue.

MR. SPEAKER:

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

MR. WHITFORD:

Thank you, Mr. Speaker; thank you, colleagues. More recently, the MV Arctic, the world's only icebreaker ore-carrying ship was built to service the Nanisivik and Polaris Mines. The mining industry also offers significant employment opportunities for our aboriginal population. The Colomac Mine has already formed a comprehensive employment agreement with local communities, as did Echo

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Bay's Lupin Mine.

On the other side of the coin, our modern mining must also respond to the new environmental standards that meet the expectations of our aboriginal communities and the people of the Northwest Territories government's regulations. Ongoing environmental assessments will monitor the impact of any change, such as caribou migration or air pollution. All things considered, we may all agree with the mining industry's claim that mining is helping to dig Canada out of debt. It certainly has contributed largely to our economy here in the Northwest Territories. Thank you, Mr. Speaker.

---Applause

MR. SPEAKER:

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

Member's Statement On Appreciation To Her Worship Lorraine Doctor And Airline Companies

HON. STEPHEN KAKFWI:

Thank you, Mr. Speaker. Yesterday, I made some comments about the events that led to the evacuation of the people of Fort Norman and then Norman Wells. I wanted to add to that statement today by also making mention of the mayor of Fort Norman, Lorraine Doctor. Some of you may have seen her on CBC National News last weekend. She has been working throughout the crisis in Fort Norman.

I want to mention how proud, not only myself, but many people from Fort Norman are of the way she carried out her work. It was stressful and she had very little sleep, but she carried out her work, in a very well-thought-out and determined manner. Throughout the whole process, she has kept her own counsel and has done an excellent job in showing how much she cares for her people and her community. I wanted to add that to the comments I made about the contributions that Chief Jonas Neyelle made to the whole operation, in spite of his health problems.

There should also be mention of the excellent job that the owners of North-Wright Air, Caroline and Warren Wright, performed. They contributed to the evacuation last Thursday of the people of Fort Norman from Norman Wells to Deline. I would also like to mention the owners of Ursus Aviation, Blair Jensen and Bea Jensen. Both airlines, along with Williams Arrow of Norman Wells put all their planes to work: Twin Otters, Islanders, Navahos, down to two-

seaters, flying people as quickly as they could and as safely as they could over a six-hour operation.

MR. SPEAKER:

Mr. Kakfwi, your time is up.

HON. STEPHEN KAKFWI:

Mr. Speaker, I seek consent to conclude.

MR. SPEAKER:

The honourable Member is seeking unanimous consent. Are there any nays? There are no nays. Please proceed, Mr. Kakfwi.

HON. STEPHEN KAKFWI:

Thank you, Mr. Speaker. I mention that because throughout my stay in Norman Wells from Thursday to Saturday, I must say that the most stressful time for me was during the period between 9:00 pm and 3:00 am when all of these little planes were shuttling the people of Fort Norman from Norman Wells to Deline. I found that the most stressful part of the operation because there were so many planes flying in and out, it was late and people were tired. I was very relieved when, at 3:00 am, the last plane load left and the planes stopped flying.

So, I wanted to thank again, the owners of the airlines, the pilots and the mechanics who made it all possible. Thank you.

---Applause

MR. SPEAKER:

Thank you. Item 3, Members' statements. Mrs. Thompson.

Member's Statement On Disturbing Winnipeg Free Press Article Re Inuit Art

MRS. THOMPSON:

Thank you, Mr. Speaker. On Tuesday, June 13th, an article appeared in the Winnipeg Free Press on the perceived decline of Inuit art in the north. The individual responsible for these comments is Mr. George Swinton, a Winnipeg artist and a semi-retired professor. He argues that the pace of change over the past 50 years has been so swift that Inuit carving has suffered, as a result. Mr. Swinton also argues that the introduction of workshops and power tools

has lead to the creation of nouveau Inuit art which is more detailed and naturalistic compared to the old, almost prehistoric look of the original art.

Mr. Speaker, I find this article disturbing for several reasons. First, the Inuit culture will continue to evolve over time. This is a natural process that cannot be halted. Inuit cannot close themselves off from the rest of the world and live isolated in the past. I am very confident that our language and our culture is still strong and will continue to survive even in the rapidly-changing world in which we live.

AN HON. MEMBER:

Hear! Hear!

MRS. THOMPSON:

Secondly, Inuit should be able to take advantage of better and new technology to improve their craft. We have proven that we are very capable and adaptable people. Inuit have combined the traditional ways of the past with the modern techniques of today to provide the world with some of the most outstanding art available. His reference to Inuit art being "sleeker" is an insult to my people.

Mr. Speaker, the article states that Mr. Swinton travelled to Arviat in May, "in an effort to help repair the declining quality of Inuit carving in the region." This type of paternalistic attitude towards Inuit is not welcome. Inuit do not need people from the south telling them how to carve and what to carve. I find the comments made in this article to be inappropriate and an unwarranted attack on my people and their way of life. Thank you, Mr. Speaker.

---Applause

MR. SPEAKER:

Item 3, Members' statements. Mr. Dent.

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Member's Statement On NWT Tourism Industry And Outfitters

MR. DENT:

Thank you, Mr. Speaker. Mr. Speaker, I rise today to talk about one of the best renewable resources we have in the Northwest Territories, that being tourism. Mr. Speaker, according to Economic Development and Tourism figures, between May and September

last summer, 48,000 tourists spent over \$51 million in the Northwest Territories; and that doesn't include the cost of them coming here, that's

actually money that was spent while they were here in the north.

Further, Mr. Speaker, it's estimated that at least \$10 million from tourists was left in the territories over the past winter, including the trips to see the northern lights taken by 1,100 people from Japan.

Mr. Speaker, there are approximately 230 NWT businesses which cater to visitors: hotels; beds and breakfasts; fishing lodges; and, one I would specifically like to talk about in more detail today, outfitters. Outfitters are significant contributors to the NWT economy. Most northerners are touched to some degree by the effects of outfitting businesses, because for every dollar of income paid directly to owners and employees of an outfitting business, another 20 cents is generated in the supplier and consumer industries.

In terms of employment, for every person week of direct employment in the caribou outfitting industry, for example, another three work days are generated in supplier and consumer industries.

Mr. Speaker, a lot of people don't know exactly what an outfitter is. An outfitter provides the complete hunting experience, supplying necessary equipment and employing licensed guides to accompany the hunter. Mr. Speaker, like most small businesses in the NWT, these are usually family operations that develop, market and deliver their NWT adventure products to hundreds of visitors each year. An outfitter must be a jack of all trades because they have to be a mechanic, a plumber, a carpenter, an electrician, a problem solver and sometimes a counsellor, just to name a few.

With the new gun control act, they may also have to employ psychiatrists to make sure that people who borrow the firearms from the company are of sound mind.

---Applause

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

MR. SPEAKER:

The Member for Yellowknife Frame Lake is seeking unanimous consent to conclude his statement. Are

there any nays? There are no nays. Conclude your statement, Mr. Dent.

MR. DENT:

Thank you, Mr. Speaker and honourable Members. Mr. Speaker, an extensive financial investment and time commitment is required to run an outfitting business. An average day is generally about 16 hours long, and a seven-day week is needed for the duration of a camp which includes setting up and tearing down. Of course, the guides are the hardest workers of all in an outfitting business. All of them, Mr. Speaker, have a significant capital investment in the north, with the average being over \$300,000 in their business.

So, Mr. Speaker, there is an awful lot of employment and spin-off employment provided through this business, and all of the revenue is export or new revenue. It's new money into the NWT, not merely recirculated government money, it is new money coming in from outside.

Mr. Speaker, it's important to remember that tourism serves as a bridge between the Northwest Territories and the rest of the world, because it helps promote us as a world-class destination. We cannot afford to lose economic benefits that the tourism industry brings to us, and we must remember that an investment in tourism is an investment in our future.

AN HON. MEMBER:

Hear! Hear!

---Applause

MR. DENT:

It's an industry that must be recognized, nurtured and promoted.

Mr. Speaker, I would like to see a close working relationship between the Department of Economic Development and Tourism, the new Western Arctic Regional Tourism Authority and all tourism operators to promote and enhance tourism in our region. We need to have a long-term, comprehensive tourism marketing strategy and program for the western Arctic. Thank you, Mr. Speaker.

---Applause

MR. SPEAKER:

Thank you. At this time I would like to recognize a visitor in the Speaker's gallery, Monsieur Pierre Marchal. He's the Consul-General of France and he's based in Edmonton. Also with him is his wife. Welcome.

---Applause

Item 3, Members' statements. Mr. Antoine.

Member's Statement On Election Of Chief And Band Council In Fort Simpson

MR. ANTOINE:

Mahsi, Mr. Speaker. (Translation) What I would like to say today is on our land, the Dene land, there was an election for the chief and band council. This is happening in a lot of communities. Whoever wants to be a chief, there is a lot of work for them. It's hard work to hold the office of chief. Being a chief is hard work. Every day they work for almost 24 hours. It is a lot of work and, on top of that, when there is a shortage of funding, it makes it even harder.

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Also, being a chief, they work for the betterment of their people. This is what I would like to say.

The reason I am saying this is that yesterday in Fort Simpson there was an election for the chief and council. As a result, Herb Norwegian is the chief again. On the council is Mary Cazon, Cheryl Cli, Fred Deneyoua, Hazel Isiah, Loyal Letcher, Anita Villeneuve, and Jonas Antoine. There are the people who were elected during the treaty days. During the treaty days, there was also an election for chief and band council. There were two other people who ran for chief. I would also like to thank those two. When we put our names forward for important positions like this, we are doing this for the betterment of our people. If they work well with the new chief, the whole community will benefit as a result. Also, the people who sat as chief and council in the past, I would like to say a big thanks to them. When we are in those positions, we are working for the betterment of our people. Today, with the different system of governments, when people are running for chief it is hard work. Thank you.

MR. SPEAKER:

(Translation) Thank you, Mr. Antoine. I would also like to say congratulations to the people who have been elected. (Translation ends)

Item 3, Members' statements. Mr. Koe.

Member's Statement On Congratulating Graduates Of Samuel Hearne Secondary High School

MR. KOE:

Mahsi, Mr. Speaker. Mr. Speaker, I rise today to congratulate the 31 students who graduated from Samuel Hearne Secondary High School on Friday, June 9th. I was fortunate to make it to that ceremony and was very impressed by the numbers of graduates, but also the mix of graduates. They came from all the communities in the region and they were well dressed and a very impressive lot. The theme of that graduation ceremony was "reach out to the future."

In today's world, in the economy that we are working under and with all the disaster's of the world, I think these young people have a lot that they have to reach out for. The world is at their feet and they are young and energetic. I hope they take advantage of the opportunities that are before them. I would like to thank the parents and the staff of the high school and also Members of the Beaufort/Delta divisional board for their support and helping these kids get to where they are at.

I wish all the graduates well. Reach out high and far to the future. Mahsi.

---Applause

MR. SPEAKER:

Thank you, Mr. Koe. Item 3, Member' statements. Mr. Patterson.

Member's Statement On Appreciation To Cabinet Ministers

MR. PATTERSON:

Thank you, Mr. Speaker. Mr. Speaker, at least once a session, I try to be positive and uplifting. I don't always like to rant and rave.

---Applause

So today I would like to talk about some good things that have happened...

AN HON. MEMBER:

Bravo!

MR. PATTERSON:

...and give credit where it is due. First of all, I would like to thank Ministers Arngna'naaq and Todd for the good work which has been done by Minister of Renewable Resources and Workers' Compensation Board officials to provide timely compensation for the families of the full-time hunters who died tragically in the waters of Frobisher Bay last fall.

---Applause

Since not every one of those hunters, like many of our constituents, had birth certificates or even marriage certificates, quite a lot of work had to be done to get their applications in order. Credit also goes to Anne Crawford and Maliiganik Tukisiiniakvik for their very hard work assisting the families. But I would like to commend the Ministers for the fact that interim payments have already been received by the families of the full-time hunters and they are well under way to getting the compensation package finalized.

Secondly, Mr. Speaker, I would like to give credit to Raymond Ningeocheak, who has overseen the implementation of the Nunavut Tunngavik hunters' support program this year with the assistance of his capable director Burt Dean and advice from the hunters' and trappers' organizations and the regional organizations throughout Nunavut. This program has received substantial one-time capital contributions from the GNWT and my assessment is they have done an excellent job. They have recently approved a total of 260 applications to hunters in need of assistance throughout Nunavut and I know this will be a very important contribution to developing the renewable resource economy, which we all so much want to support in Nunavut.

Mr. Speaker, I would also like to thank the Honourable Nellie Cournoyea, Minister of Health and Social Services for the attention she gave to care givers in Iqaluit. Since I have some more good things to say, I would like to request consent to conclude my statement, Mr. Speaker.

MR. SPEAKER:

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

MR. PATTERSON:

Thank you, Mr. Speaker. I would like to thank the Minister for the attention she gave to a meeting with care givers in Iqaluit during her recent visit and also for the attention she and her officials gave to the meeting with the officials of the Baffin Treatment Centre. Also, they worked out some funding and implementation problems, which have now been solved, allowing the new Baffin Treatment Centre to start its work and take an in-take clients, successfully, this spring.

I would also like to commend the Minister and the Minister of Justice for finally accomplishing a project that has been long-awaited in this Legislature and that is the tabling of legislation in family law reform. I think this is something that was really expected in the previous Legislature and it never occurred. So it is very gratifying to me that, even though we are in the last few days of the 12th Assembly, that this important work has got

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to the point where the legislation has been tabled. I know this represents an enormous amount of work. There have been lots of problems and challenges, but I think the Ministers and their officials deserve tremendous commendation for having taken it this far. I am confident that the next Assembly will act upon this long overdue need for reforming our family law.

Finally, Mr. Speaker, I would like to mention my gratitude to Mr. Morin and Cabinet colleagues for having, in principle, approved the negotiation of an office space contract for the Department of Renewable Resources for a building, the first phase of which is going up in Iqaluit this summer under the auspices of the Kakivak Association and Qikiqtaaluk Corporation. Cabinet support to this new aboriginal venture in my constituency is appreciated and it will be a big economic boon to the community to have this project going ahead this summer.

The last good thing I would like to comment on, Mr. Speaker, has to do with myself and...

---Applause

...but I want to express my gratitude to my colleagues on the Standing Committee on Finance for having elected me deputy chairman. That was gratifying for me and an honour which I appreciate. That is another good-news item I wish to celebrate with you today. Thank you, Mr. Speaker.

SOME HON. MEMBERS:

Yea.

---Applause

MR. SPEAKER:

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

Member's Statement On Procedures Used To Dismiss Bird Dog Officer

MRS. MARIE-JEWELL:

Thank you, Mr. Speaker. Mr. Speaker, prior to this session, the Minister responsible for fire management took the responsibility to ensure he terminated the manager of air operations, Mr. Rick Pederson. This position was responsible for the air attack officers, better known as Bird Dog officers.

Mr. Speaker, yesterday, in speaking to Mr. Pederson, he advised me that only yesterday he received his lay-off notice. Up until then, he was at home not knowing whether he was laid off, fired or his position deemed redundant. Mr. Pederson was given verbal notification on May 9th. Yesterday being June 14th, he was advised officially of his employment status with this government.

Mr. Speaker, first of all, I find it shameful that our own act we passed in this House, this government, up until yesterday, I believe, ignored. Mr. Speaker, today I will be tabling a letter which was sent to me on May 29th, and I quote from one paragraph in the letter:

"Rick Pederson is no longer with the fire management program. His services are not required. The decision to proceed without Mr. Pederson was made since I took responsibility for this program."

The letter was signed by Mr. Morin.

AN HON. MEMBER:

Shame.

MRS. MARIE-JEWELL:

Mr. Speaker, this type of language in a letter tells me that there is blatant political interference on the part of the Minister filling his Cabinet responsibility. In addition, Mr. Speaker, for the Premier of the government to have full confidence in her Minister in

the methods used in carrying out his responsibility was somewhat shameful. It's further seen by my constituents that these types of comments

are totally out of character for the Premier to conduct herself in this manner.

However, Mr. Speaker, in light of the proposed method the Premier announced in this House today, I am sure it will give some comfort to my constituents, her willingness to address this issue. Although she stated this investigation would only apply to the assistant manager of the air operation and air attack officers, I would encourage her to also review the method used for the manager of air operation's position, Mr. Pederson.

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

MR. SPEAKER:

The Member for Thebacha is seeking unanimous consent. Are there any nays? There are no nays. Conclude your statement, Mrs. Marie-Jewell.

MRS. MARIE-JEWELL:

Thank you, Mr. Speaker and honourable colleagues. I have stated over the past couple of weeks the concern of Bird Dog operators and how this government is ignoring the safety aspect of section 13 of the NWT Safety Act, particularly when it was this government who placed this requirement in the request for proposals for the heavy land-based and air tanker proposal which is critically needed to fight fires. I am pleased an investigation is being carried out by labour relations.

Mr. Speaker, the Premier is ultimately accountable for the actions of any of her Cabinet Ministers, and it's her responsibility to ensure our legislation is upheld. The Cabinet, as a whole, has a legal responsibility to uphold our laws we enact, that is why they are called "Ministers of the Crown."

Mr. Speaker, I want to thank the Premier for her announcement of what course of action she's going to take. The Premier is displaying a professional attitude towards addressing this tense situation, and is more in line with her character. Mr. Speaker, if this government is serious in ensuring the fire operation runs smoothly, then it is important they take every measure to avoid a disaster this summer. Thank you.

---Applause

MR. SPEAKER:

Thank you. Item 3, Members' statements. Item 4, returns to oral questions. Ms. Cournoyea.

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ITEM 4: RETURNS TO ORAL QUESTIONS

Return To Question 538-12(7): Completion Of Official Languages Act Regulations

HON. NELLIE COURNOYEA:

Mr. Speaker, I have a return to an oral question asked by Mr. Koe on June 7th. Mr. Koe asked when the regulations for the Northwest Territories Official Languages Act will be completed.

The introduction of regulations on official languages must be considered carefully due to the complex and varied nature of each official language. For example, the provisions of the act grant varying status to the official languages, there are different literacy and fluency levels for each language, and oral tradition will play an important role in language development.

Mr. Speaker, once the official languages policy and guidelines are finalized, the GNWT will meet with the Languages Commissioner and the Department of Justice in order to discuss the needs for regulations under the Official Languages Act.

Return To Question 530-12(7): Status Of Official Languages Handbook

Mr. Speaker, I have a further return to an oral question. The question was asked by Mr. Koe on June 7th. Mr. Koe asked when the official languages handbook will be ready for distribution.

The GNWT remains committed to the completion of the official languages policy and guidelines. In order to complete this task and given the changing fiscal reality of the GNWT, two rounds of consultation with GNWT departments, boards and agencies affected by the proposed official languages policy and guidelines were necessary.

The proposed official languages policy and guidelines are currently being translated.

Language groups will be consulted on the proposed official languages policy and guidelines throughout the summer. Following this consultation, the policy

and guidelines will be finalized. Thank you, Mr. Speaker.

MR. SPEAKER:

Thank you. Item 4, returns to oral questions. Mr. Morin, I understand you have several. Just go through them.

HON. DON MORIN:

(Microphone turned off)

MR. SPEAKER:

Just one? You have only one return? Okay.

Return To Question 570-12(7): BIP Status Of Northern Municipalities

HON. DON MORIN:

Thank you, Mr. Speaker. I have a return to an oral question asked by Mr. Patterson on June 9, 1995; BIP status of northern municipalities.

Municipalities are not eligible to register as northern companies under the business incentive policy. Thank you, Mr. Speaker.

MR. SPEAKER:

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

ITEM 5: RECOGNITION OF VISITORS IN THE GALLERY

MR. WHITFORD:

Thank you, Mr. Speaker, colleagues. It's a pleasure to introduce to you a long-time friend and northern businessman, Mr. Joe McBryan. Mr. McBryan is the founder of Buffalo Airways, Buffalo Courier Services and now Buffalo Air Tanker Services.

As well, I would like to introduce to you Barb Paquin, executive director, NWT Literacy Council.

---Applause

MR. SPEAKER:

Thank you, Mr. Whitford. Welcome to the Assembly. Item 5, recognition of visitors in the gallery. Item 6, oral questions. Mr. Koe.

ITEM 6: ORAL QUESTIONS

Question 613-12(7): Results Of Arctic A Airport Negotiations

MR. KOE:

Mahsi, Mr. Speaker. I have a question for the Minister of Transportation. Over the past months, the Minister has been making various statements, culminating in his statement last week that the transfer of the Arctic A airports is going to take effect come July 1st, I believe. There is still some concern, though, with the operations of the airports. Even though these transfers will take place and ownership and management will transfer from the federal Ministry of Transport to our government, it seems that the federal government is still making decisions on contracts and how the airports are being run; and these decisions are long term, in some cases. So I would like to ask the Minister, since he stated that in the negotiations he would try to ensure that services of these Arctic A airports are maintained at the current levels, what the results of the negotiations are and if there are any cutbacks proposed to the operations of these airports.

MR. SPEAKER:

Minister of Transportation, Mr. Todd.

Return To Question 613-12(7): Results Of Arctic A Airport Negotiations

HON. JOHN TODD:

Thank you, Mr. Speaker. I don't believe, at this time, that there will be any significant cutbacks on the operations of the nine Arctic A airports. As I said earlier last week, we've negotiated a base funding of \$24.5 million. We believe that that level of funding will be adequate to maintain the current services that we have in all of these airports, and maintain the positions and the jobs that relate to them. Thank you.

MR. SPEAKER:

Supplementary, Mr. Koe.

Supplementary To Question 613-12(7): Results Of Arctic A Airport Negotiations

MR. KOE:

Mahsi. Thank you for that information. I've read and heard several reports about cuts, not only in the north

but across Canada, to the weather information services. Most of

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the airports, especially in the south, have transferred to automated weather information services. I would like to ask the Minister if our airports will continue to be manned, or will they be cut and replaced by these automatic weather information services? I know there have been some cuts already, but will all of the airports be transferred to these automated services?

MR. SPEAKER:

Mr. Todd.

Further Return To Question 613-12(7): Results Of Arctic A Airport Negotiations

HON. JOHN TODD:

Mr. Speaker, I think it is important to differentiate. The flight service stations still remain in the hands of Transport Canada. They will be looking after the operations and maintenance of the airports. I do recognize what my honourable colleague is saying. There is some talk about putting in automated systems, both in his area and in the Cambridge Bay area. That is being done in southern Canada at the present time. We are under discussion with Transport Canada that the difference, if you want, between us and the rest of the country is that in most cases, but not in all cases, the primary mode of transportation into Arctic communities is by air and that some preference must be given to ensure that they are manned by people rather than by automated equipment. Thank you.

MR. SPEAKER:

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

Supplementary To Question 613-12(7): Results Of Arctic A Airport Negotiations

MR. KOE:

Thank you. There is also some concern about the role of firefighters in these airports. Some of the airports have manned teams on 24-hour standby at the airports. Are there going to be any cuts to these services at these airports?

MR. SPEAKER:

Mr. Todd.

Further Return To Question 613-12(7): Results Of Arctic A Airport Negotiations

HON. JOHN TODD:

Thank you, Mr. Speaker. We recognize that right now the firefighting and safety aspects of airports are coming under review right across Canada. We are working hard, as I said earlier to try to maintain the current level of services and the jobs that relate to operating these nine Arctic A airports, but it's my understanding that the discussions, as they relate to fire safety and emergency measures, are still under debate with the different organizations in the aviation industry, and, at this time, I couldn't assure the honourable Member whether or not there will be cuts. Thank you.

MR. SPEAKER:

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

Supplementary To Question 613-12(7): Results Of Arctic A Airport Negotiations

MR. KOE:

In response to one of my earlier questions, the Minister made a statement about the federal Ministry of Transportation are still going to have some responsibilities, and I am not really clear what they will be, but I would like to ask in terms of the aerological weather observation program.

Last week, I raised a question about the tenders which are being let, and I believe the tenders for this service are for two or three years, so I am wondering why the federal Ministry of Transport would be letting these long-term contracts if ownership and management are going to change.

MR. SPEAKER:

Mr. Todd.

Further Return To Question 613-12(7): Results Of Arctic A Airport Negotiations

HON. JOHN TODD:

Thank you, Mr. Speaker. In discussions right across the country, not just in the territories, it is my understanding that in the flight services and safety

components of airports, the federal ministry will still retain authority and responsibility for that. Even though we may be negotiating the nine airports here or a municipality in southern Canada may be negotiating to run their airport, the flight safety and services components of Transport Canada would remain with Transport Canada. Therefore, if there are any contracts which come under their jurisdiction, then they have the mandate, responsibility and fiscal authority to meet these decisions that my honourable colleague alludes to. Thank you.

MR. SPEAKER:

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

Question 614-12(7): Northern Accord Negotiations

MR. BALLANTYNE:

Thank you. My question, Mr. Speaker, is to the Minister of Energy, Mines and Petroleum Resources. It is to do with northern accord negotiations.

We seem to be getting mixed messages. I know the Minister has been in discussions with aboriginal organizations and the federal government for many months. There seem to still be some differences of opinion as to whether or not a northern accord will go ahead. My concern is, if the northern accord doesn't go ahead or if the federal government, for whatever reason, decides that it won't proceed with a northern accord, do we have a fall-back position? So my question to the Minister is, is there is another mechanism besides the northern accord to protect northerners to make sure they get their share of benefits and opportunities if the northern accord doesn't go ahead?

MR. SPEAKER:

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

Return To Question 614-12(7): Northern Accord Negotiations

HON. JOHN TODD:

Thank you, Mr. Speaker. As my colleagues in this House know, I am the eternal optimist. I believe that even though this is a difficult task, we will be able to reach an agreement on the northern accord with the aboriginal groups in the territories, and if we reach an acceptable agreement, then we can move forward with the federal government.

That doesn't mean to say, as my colleague asked, that we are not looking at options. I am not a man of one option. We need to ensure that whatever takes place in this part of the country benefits the north first and everywhere else second. So we are looking, particularly in the diamond area, at other diamond-producing countries to see what mechanisms they have in place to ensure that they get their fair portion, if you want, of the benefits.

With respect to my department's action plan, we are looking at the possibility of doing some research with respect to the possibility of further processing and value-added opportunities that go with diamonds. We are looking at the sorting and valuing of diamonds and the impact that will have.

I think that one of the ones that my colleague is really looking for is that we are also, should all else fail, looking at policy options including taxation, taking royalties in kind, or the establishment of marketing boards.

However, Mr. Speaker, I do want to say that this is a second position that we are looking at right now. As I said earlier, I am an eternal optimist. I am confident that northerners will see the need to reach a compromise. We were still at the table, I understand, yesterday, and I am confident that by June 30th we will be able to move forward with a common position to get an accord in place that will ensure that all northerners benefit from the significant mineral and mining development that takes place in this country. Thank you.

---Applause

MR. SPEAKER:

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

Question 615-12(7): Reason For Failure To Comply With GNWT's Lay-off Procedures

MRS. MARIE-JEWELL:

Thank you, Mr. Speaker. I have a question for the Minister responsible for fire management. Mr. Speaker, the procedures for lay-off of employees are fairly clearly laid out in the government's human resources manual, and earlier the Premier described the procedures which the government is supposed to follow. Can the Minister explain why these

procedures were not followed in the lay-off of Rick Pederson, the manager of air operations? Thank you.

MR. SPEAKER:

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

HON. DON MORIN:

Thank you, Mr. Speaker. My understanding is that the procedures were followed, and I will look into it and take the question as notice. Thank you.

MR. SPEAKER:

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

Question 616-12(7): Delivery Of NWT HC Services By District Office

MR. PATTERSON:

Thank you, Mr. Speaker. My question is to the Minister responsible for the NWT Housing Corporation. Mr. Speaker, I think the Minister knows that I am concerned about how staff housing has been transferred to the corporation, and I think I have also made him aware of the fact that, recently, a new employee of the Housing Corporation responsible for staff housing had to go to the enormous expense of travelling from Iqaluit to Hall Beach, just to check two or three transferring teachers out of their staff houses. Mr. Speaker, my question is, if the Minister is committed to allowing local housing authorities to deliver all the programs in communities, including staff housing, why are these services being delivered from the district office? Thank you.

MR. SPEAKER:

Minister responsible for the Housing Corporation, Mr. Morin.

Return To Question 616-12(7): Delivery Of NWT HC Services By District Office

HON. DON MORIN:

Thank you, Mr. Speaker. We plan on working with the local housing authorities and associations to ensure that they take care of all the staff housing needs.

At the present, the Housing Corporation has planned to go into every community and work with the local authorities to train them to take on those needs. It seems like a fairly straightforward task to check people in and out of staff housing, and they should be able to take on those as soon as possible.

They should be able to take on the other portions of it as soon as they get the proper training. That is going to happen. That responsibility will fall in the hands of local housing authorities. We will assist in giving them training and support. Thank you.

MR. SPEAKER:

Thank you. Supplementary, Mr. Patterson.

Supplementary To Question 616-12(7): Delivery Of NWT HC Services By District Office

MR. PATTERSON:

Thank you, Mr. Speaker. I'm glad to hear that this is the way it will be done. But, I guess I would like to ask the Minister, wouldn't the most efficient process have been to train and support the local housing authorities to deliver the program on the ground in the communities, and then transfer the responsibility to the Housing Corporation, rather than transfer it to the district office first and then get the communities' training up and running afterwards? Thank you.

MR. SPEAKER:

Mr. Morin.

Further Return To Question 616-12(7): Delivery Of NWT HC Services By District Office

HON. DON MORIN:

Thank you, Mr. Speaker. That would have been good, if everything happened that way, yes, I agree with the Member. But what was happening in the communities is the communities were very involved in implementing the new rent scale, documenting people, getting training to implement the new rent scale, and also this transfer was happening at the same time. So, we have taken on the responsibility at the end of the fiscal year of the government and are catching up with the training. It should be all on par by the middle of July. That's the information I received. Thank you.

MR. SPEAKER:

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

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Question 617-12(7): Status Of Community Water Pumps For Fire Protection

MR. ANTOINE:

Mahsi, Mr. Speaker. My question is for the Minister responsible for Municipal and Community Affairs. In the winter session, Mr. Speaker, I raised concerns about the protection of the communities from fire. My comment at that time was that people in the smaller communities had only a chemical tank as the means for fire protection. It's not adequate in the smaller communities, so I had suggested to the Minister that they should look at putting water pumps with enough hose to reach the furthest house in the communities for protection. I repeat this because of the situation that we have had in Fort Norman and Norman Wells, where we just about lost these communities; and, there is a chance for brush fires in the communities, because it's so dry.

I would like to ask the Minister if his department looked at the suggestion that I made earlier this winter. Thank you.

MR. SPEAKER:

Minister of Municipal and Community Affairs, Mr. Ng.

Return To Question 617-12(7): Status Of Community Water Pumps For Fire Protection

HON. KELVIN NG:

Thank you, Mr. Speaker. I'm not sure about the status of the honourable Member's suggestion, but I will get in touch with the department and get back to the Member on that. Thank you.

MR. SPEAKER:

Item 6, oral questions. Ms. Mike.

Question 618-12(7): Status Of Aboriginal Custom Adoption Recognition Act Implementation

MS. MIKE:

Thank you, Mr. Speaker. Last week, I made a statement about custom adoption in Clyde River; that I'm currently working with 13 families in an attempt to get the birth certificates for those custom adopted

children. Some are now old enough to enter the workplace. My question is for the Minister responsible for Health and Social Services. What is the status of the implementation of the Aboriginal Custom Adoption Recognition Act?

MR. SPEAKER:

Minister of Health and Social Services, Ms. Cournoyea.

Return To Question 618-12(7): Status Of Aboriginal Custom Adoption Recognition Act Implementation

HON. NELLIE COURNOYEA:

Mr. Speaker, given the fact that to have the act implemented would take a bit of time, and recognizing that people want to move ahead and get the outstanding problem areas resolved, what we are doing in the short term is bringing together a couple of people presently in the department and giving them assignments so we can help these people along.

The implementation of the Aboriginal Custom Adoption Act Recognition will just take a little bit more time; however, we realize the urgency of some of these matters and I will be prepared to appoint two people who will take on the task in the interim, probably by Monday. Thank you, Mr. Speaker.

MR. SPEAKER:

Thank you. Supplementary, Ms. Mike.

Supplementary To Question 618-12(7): Status Of Aboriginal Custom Adoption Recognition Act Implementation

MS. MIKE:

Thank you, Mr. Speaker. On February 28, 1995, in response to Mr. Koe's question, the Minister responsible informed this House that an information kit will have to be prepared for communities, that an orientation process was needed for an Adoption Commissioner and payment procedures will have to be finalized. What is the status of that information kit?

MR. SPEAKER:

Ms. Cournoyea.

HON. NELLIE COURNOYEA:

Mr. Speaker, this work is presently being done. I will have to take the question as notice because I don't know right at the moment exactly where the kit is at. As I said, Mr. Speaker, it has taken a little longer than expected to get the work concluded. However, I will make a report on that and, in the meantime, we will try to accommodate some of the initiatives that are moving ahead of the process and the policy, Mr. Speaker.

MR. SPEAKER:

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

Question 619-12(7): Application Of NWT Safety Act To Bird Dog Officers

MRS. MARIE-JEWELL:

Good afternoon, Mr. Speaker. I would like to ask a question of the Minister of Safety and Public Services. Mr. Speaker, last week, I questioned the Minister at great length, about the matter of legal jurisdiction. He indicated that this government did not have the responsibility under our Safety Act, to deal with the refusal of the Bird Dog officers to work. He indicated the responsibility lies under the Canada Labour Code.

Mr. Speaker, I want to indicate to the Minister that I sought a legal opinion on this, because I believe the responsibility lies with the Government of the Northwest Territories, under our Safety Act. I want to indicate to the Minister that, in as much as he feels this is covered not by the NWT Safety Act but by the Canada Labour Code, it is currently, indeed, under the NWT Safety Act that this responsibility does lie.

So, I want to ask the Minister whether or not he will review, once again, the NWT Safety Act to assure the air attack officers, who refused to work for this government, that they are, indeed, the responsibility of the Government of the Northwest Territories under the NWT Safety Act. I would like to ask the Minister, would he review this to determine whether this act applies to the Bird Dog officers? Thank you.

MR. SPEAKER:

Minister of Safety and Public Services, Mr. Nerysoo.

Return To Question 619-12(7): Application Of NWT Safety Act To Bird Dog Officers

HON. RICHARD NERYSOO:

Thank you, Mr. Speaker. We will certainly review the matter. In fact, I have given instructions already to my staff to get the Department of Justice to advise

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them about the legal responsibility we have, and to ensure we have the proper interpretation necessary for us to carry out our responsibility.

MR. SPEAKER:

Thank you. Supplementary, Mrs. Marie-Jewell.

Supplementary To Question 619-12(7): Application Of NWT Safety Act To Bird Dog Officers

MRS. MARIE-JEWELL:

Thank you, Mr. Speaker. I appreciate that response. I would like to ask the Minister whether or not he will be able to provide the House with that response before we decide to prorogue. Thank you.

MR. SPEAKER:

Mr. Nerysoo.

Further Return To Question 619-12(7): Application Of NWT Safety Act To Bird Dog Officers

HON. RICHARD NERYSOO:

Thank you, Mr. Speaker. I'm not certain, Mr. Speaker, if I will be able to do that; I will certainly advise all honourable Member of the situation once that information is provided to me, through written correspondence. If I receive it before then, I will hopefully be able to provide that information to the honourable Members.

MR. SPEAKER:

Supplementary, Mrs. Marie-Jewell.

Supplementary To Question 619-12(7): Application Of NWT Safety Act To Bird Dog Officers

MRS. MARIE-JEWELL:

Thank you, Mr. Speaker. In addition, I would like to ask the Minister if he would check with the Government of Canada to confirm that these air attack officers are employees of the government and are subject to the Safety Act of the NWT, particularly section 13.

MR. SPEAKER:

Mr. Nerysoo.

Further Return To Question 619-12(7): Application Of NWT Safety Act To Bird Dog Officers

HON. RICHARD NERYSOO:

Thank you, Mr. Speaker. I can certainly advise the honourable Member that we will review the matter of the legal interpretations that are given and their application. Certainly, if the matter is such that we have legal responsibility, then we will assume the responsibility accordingly, if that is the legal opinion that is provided to me and to the Cabinet. Thank you, Mr. Speaker.

MR. SPEAKER:

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

Supplementary To Question 619-12(7): Application Of NWT Safety Act To Bird Dog Officers

MRS. MARIE-JEWELL:

Thank you, Mr. Speaker. I would also like to ask the Minister whether or not he is aware of the penalties under the act, which indicates that if the Government of the Northwest Territories discharges, suspends, disciplines; or threatens to discharge, suspend or discipline, otherwise discriminating or threatening to discriminate against air attack officers because that person has exercised his right to refuse to work under section 13, the government may be found guilty of an offence under the act and liable on conviction to a fine not exceeding \$10,000. Is the Minister aware of that? Thank you.

MR. SPEAKER:

Mr. Nerysoo.

Further Return To Question 619-12(7): Application Of NWT Safety Act To Bird Dog Officers

HON. RICHARD NERYSOO:

Thank you, Mr. Speaker. Mr. Speaker, I'll certainly ensure that we are clear about the interpretations given to the legislation, and I will advise my colleagues about its application and ensure that we are all certain about the legal obligations that we have under the legislation, as well. Thank you.

MR. SPEAKER:

Item 6, oral questions. Mr. Pudlat.

Question 620-12(7): Status Of Birthing Centre For Baffin Region

MR. PUDLAT:

(Translation) Thank you, Mr. Speaker. I will direct this question to the Minister of Health and Social Services. Last winter when we had our session here, I requested a birthing centre for the Baffin region. I spoke on that as a Member this winter, and I asked whether this was going to be invested, to see if they could establish a working relationship with the Baffin Regional Health Board to establish a Baffin birthing centre so that the people in the Baffin region can exercise their cultural rights as Inuit. As well, in Quebec, I know that is how they have always used their culture. How is this procedure going, this far, with the Baffin health board discussions? Are there any discussions going on between the government and the Baffin health board? Thank you.

MR. SPEAKER:

Minister of Health and Social Services, Ms. Cournoyea.

Return To Question 620-12(7): Status Of Birthing Centre For Baffin Region

HON. NELLIE COURNOYEA:

Thank you, Mr. Speaker. The issue of birthing centres is an ongoing discussion that we're having with all the health boards across the Northwest Territories. The Baffin health board is completing their needs assessment as it relates to a new hospital, and also taking into consideration what is going to be available at the community level in the health centres.

This has been an ongoing discussion, Mr. Speaker, and we have not neglected to bring to the attention of the Baffin health board the honourable Member's interest in having some kind of clear direction on birthing centres. Certainly, the department is in support of attempting to keep families closer to home or in the communities. I know that the evaluation of the Rankin Inlet Birthing Centre has shown that there's great value in this, and that the idea should be incorporated in the health needs studies that are presently taking place, not only in Baffin, but in other regional health centres. Thank you, Mr. Speaker.

MR. SPEAKER:

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

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Question 621-12(7): Taloyoak Funding Request For Full-Time Court Worker

MR. NINGARK:

Thank you, Mr. Speaker. Mr. Speaker, my question is directed to the Minister of Justice. By this time, the Minister may have received a request for funding from the hamlet of Taloyoak. According to my understanding, Mr. Speaker, the hamlet of Taloyoak has a part-time court worker, and that community has requested funding to make that part-time court worker full time. We all know that the justice system is very complicated. The court system is also complicated. Even we, as seasoned politicians, find both to be very complicated. I am sure the people in the small communities find them to be more complicated than we expect them to understand. Has the honourable Minister received a request from the hamlet of Taloyoak for funding? Thank you.

MR. SPEAKER:

Minister of Justice, Mr. Kakfwi.

HON. STEPHEN KAKFWI:

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

MR. SPEAKER:

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

Question 622-12(7): Inclusion Of Ndilo In Five Year Capital Plan

MR. BALLANTYNE:

Thank you, Mr. Speaker. Mr. Speaker, my question is to the chairman of the Financial Management Board and the Finance Minister. Mr. Speaker, last year, for the first time in many years, the community of Ndilo in my constituency was left out of the five-year capital plan. Chiefs Sangris, Beaulieu and myself had a meeting with the Minister of Finance a couple of months ago. He was going to look at some ways to get Ndilo back in the plan. I would now like to ask if

the Minister can confirm that Ndilo will be put back into the capital plan of the Northwest Territories.

MR. SPEAKER:

Minister of Finance, Mr. Pollard.

Return To Question 622-12(7): Inclusion Of Ndilo In Five Year Capital Plan

HON. JOHN POLLARD:

Thank you, Mr. Speaker. Good afternoon. Mr. Speaker, even though Ndilo is not on the capital plan in the books this year, the Minister of Municipal and Community Affairs advises me that there is \$100,000 set aside for them this year to make some upgrades on an access road. The Minister of MACA and myself have discussed this issue, and we will address the five-year capital plan and Ndilo's requirements as we go through the planning cycle in this upcoming budget. Thank you, Mr. Speaker.

MR. SPEAKER:

Item 6, oral questions. Mr. Antoine.

Question 623-12(7): Enforcement Date Of Aboriginal Custom Adoption Recognition Act

MR. ANTOINE:

Thank you, Mr. Speaker. My question is for the Minister of Health and Social Services regarding the Aboriginal Custom Adoption Recognition Act. Mr. Speaker, this act was passed in the House, and my constituents have approached me on this particular act wanting to know how they could go about using the custom adoption act so that an adoption would be recognized. There are people aware that such an act is in place and they want to use it, but I understand that a lot of development has to take place with this act before it can be implemented.

The information I have is that the proclamation of the Aboriginal Custom Adoption Recognition Act is expected to occur on or before September 30, 1995. I would like to ask the Minister responsible if this proclamation will happen on or before September 30, 1995. Thank you.

MR. SPEAKER:

Minister of Health and Social Services, Ms. Cournoyea.

Return To Question 623-12(7): Enforcement Date Of Aboriginal Custom Adoption Recognition Act

HON. NELLIE COURNOYEA:

Mr. Speaker, just to give an outline on where we are, what the plans are and the target dates; we're now ready to establish a registry at headquarters complete that by June 30th. The target date to prepare an information kit for communities in the process of recruiting, appointment and training and for the payment of fees is by September 30, 1995. The target date for selection of the Adoption Commissioners is November 30, 1995. Training for Adoption Commissioners will take place by December 31st.

Mr. Speaker, as I indicated earlier, while we are going through the process and the steps that have to be taken, the department and I are trying to work out an interim measure where we can take care of some of the areas where people want quicker action and to try to look after the backlog that presently exists. So, although we have to go through the process and take these steps, we still feel we should assign a couple of people just to deal with trying to get some of the outstanding backlog completed.

Mr. Speaker, I hope we can stick with our targets and get the job done, and I'll make a further report on just how far along we are in our ability to meet all our targets and to have the act completely enforced, called and in action. Thank you, Mr. Speaker.

MR. SPEAKER:

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

Supplementary To Question 623-12(7): Enforcement Date Of Aboriginal Custom Adoption Recognition Act

MR. ANTOINE:

Thank you, Mr. Speaker. I appreciate the answer. It further clarifies for me the status of the Aboriginal Custom Adoption Recognition Act. I think it's long overdue. We have debated it and passed it in the House, and this government is just trying to implement it.

It's good to hear that there might be an interim measure. It seems to me, Mr. Speaker, that it is not too certain whether or not the government will do this, and I would just like to ask the Minister if she could further clarify for the House exactly what this interim

measure means, especially with the time frame?
Thank you.

MR. SPEAKER:

Ms. Cournoyea.

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Further Return To Question 623-12(7): Enforcement Date Of Aboriginal Custom Adoption Recognition Act

HON. NELLIE COURNOYEA:

Mr. Speaker, as I earlier indicated to the Member and Ms. Mike, the deputy minister and I are discussing with two very well-known workers within the system who have been involved with this type of work before to see if we can give them a special assignment to deal with these outstanding issues until we get the custom adoption act in place.

I hope, as I have also previously indicated, that I will give an update on just who they are as soon as possible, within the next week. Thank you, Mr. Speaker.

MR. SPEAKER:

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

Question 624-12(7): Residency Requirements For Qualifying Under BIP

MR. PATTERSON:

Thank you, Mr. Speaker. On June 5th, in response to questions I asked the Minister of Public Works and Services about the residency requirement to obtain BIP northern preference status, the Minister for Public Works and Services stated, in effect, that as long as a person owns and maintains a residence, whether it is lived in or not, he is considered a resident, "because there are also two other things. He has to have a Northwest Territories driver's licence and health care card. So in order to obtain those, you have to be a resident. So that's what we use for documentation to certify residency."

My question, Mr. Speaker, is, since a newcomer can buy a house, get a driver's licence immediately and can get a health care card after three months, would the Minister agree that the northern residency requirement for northern preference under the BIP should really just be called the three-month residency requirement? Thank you.

MR. SPEAKER:

The Minister of Public Works and Services, Mr. Morin.

Return To Question 624-12(7): Residency Requirements For Qualifying Under BIP

HON. DON MORIN:

Thank you, Mr. Speaker. The Member asked if I would agree that the northern residency clause should be called the three-month residency clause. No, I do not. Thank you.

MR. SPEAKER:

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

Supplementary To Question 624-12(7): Residency Requirements For Qualifying Under BIP

MR. PATTERSON:

Thank you, Mr. Speaker. I can see the Minister's strategy is to quickly exhaust my supplementaries, Mr. Speaker. So far, he's won the first round.

---Laughter

I would like to ask the Minister, if you can buy a house -- whether you live in it or not does not matter -- but we rely on the health care card and the driver's licence which require a maximum of three months, is not the effect of these answers to be that northern residency means three month's residency only, minimum. Thank you.

MR. SPEAKER:

Mr. Morin.

Further Return To Question 624-12(7): Residency Requirements For Qualifying Under BIP

HON. DON MORIN:

Thank you, Mr. Speaker. That is not the manner in which we would like to call a northern resident a northern resident, just someone moving here and then getting northern residency in three months. For the business incentive policy, you should have lived here a certain length of time and you should have been carrying on business, had a business licence and all the other things. But the Member is probably correct. I don't know how long it takes to get a

driver's licence or a health care card. I have had them forever, so I don't know that.

We realize the definition of residency, either local or northern, is a problem, so we are trying to address that issue under the new business incentive policy. Thank you.

MR. SPEAKER:

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

Supplementary To Question 624-12(7): Residency Requirements For Qualifying Under BIP

MR. PATTERSON:

Thank you, Mr. Speaker. I believe that the information provided to the House through my returns to written questions shows a loophole one could drive a truck or fly a water bomber through, and I would like to ask the Minister -- if he'll permit the analogy --

---Laughter

would he agree that it seems unfair that, all other things being equal, a resident of three months in the NWT is given the same status in terms of the northern residency requirement as a comparable business person who has had 30 years' residence? Should that not be fixed up quickly, Mr. Speaker? Thank you.

MR. SPEAKER:

Mr. Morin.

Further Return To Question 624-12(7): Residency Requirements For Qualifying Under BIP

HON. DON MORIN:

Thank you, Mr. Speaker. It does seem unfair if a person who lives in the north has preference under

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the business incentive policy if he's only lived here for three months, compared to a person who has lived here for a year or 30 years. If the Member is aware of those types of things, please make me aware of those businesses, and I will look into it.

MR. SPEAKER:

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

Supplementary To Question 624-12(7): Residency Requirements For Qualifying Under BIP

MR. PATTERSON:

Thank you, Mr. Speaker. I have made the Minister aware of certain cases of this kind in my riding, and I will continue to do so. But my question to the Minister is, since there seems to be a loophole in the present BIP requirements for northern residents, and it seems inappropriate to rely on the health care card and the driver's licence are indicators of permanent residence. I would like to ask the Minister, since we're letting contracts daily and judging them according to BIP preference requirements, when will the new BIP rules be put in place so we can eliminate these loopholes that are being taken advantage of, as we speak? Thank you.

MR. SPEAKER:

Mr. Morin.

Further Return To Question 624-12(7): Residency Requirements For Qualifying Under BIP

HON. DON MORIN:

Thank you, Mr. Speaker. We have the business incentive policy before Cabinet and, hopefully, it will address all the loopholes that exist in the older policy. I'm hoping and feel quite confident that we'll be able to table that in this session. Thank you.

MR. SPEAKER:

Item 6, oral questions. Mr. Alloofoo.

Question 625-12(7): Stricter Residency Requirements Under BIP

MR. ALLOOFOO:

Thank you, Mr. Speaker. I have listened with interest to the points Mr. Patterson has been making. Mr. Speaker, I have tried a number of times to relate to the Minister of DPW that there are unfair practices that are taking place because of the business incentive policy. I take it the Minister is trying to fix it. The Minister stated that if the Member knows of any practices that seem unfair to long-term northerners, he should relate them. I have stated a number of times to the Minister that there are, in my interpretation, non-residents of the Northwest Territories who are considered residents of the Northwest Territories when they apply the BIP.

Mr. Speaker, would the Minister be open to making the business incentive policy apply the same as the voters' list? I understand that, to vote in the Northwest Territories, and to be considered a Northwest Territories resident, you have to be here a year in order to vote. Also, the voting requirements for local governments require that you be there for a certain time. Would the Minister be open to changing the policy so that northern residents have to be here a year before they are considered under the business incentive policy, and that to be considered a local business person, you have to be eligible to vote in municipal elections? Thank you.

MR. SPEAKER:

Minister of Public Works and Services, Mr. Morin.

Return To Question 625-12(7): Stricter Residency Requirements Under BIP

HON. DON MORIN:

Thank you, Mr. Speaker. That makes sense to me, and it seems to be a straightforward way to address the issue. I will attempt to do that. I am not going to change the document on the business incentive policy before Cabinet because it's on the agenda already, but when it comes into the House, that's a recommendation that Members can make, and hopefully, the business community will make it as well. It's not too late to change that document, after it goes through consultation, so we'll look at that seriously. That's a good idea. Thank you.

MR. SPEAKER:

Thank you. Supplementary, Mr. Allooloo.

Supplementary To Question 625-12(7): Stricter Residency Requirements Under BIP

MR. ALLOOLOO:

Mr. Speaker, we are running out of time in this Legislative Assembly. As Members know, this is the last session. Would the Minister be able to table the document, after it goes through Cabinet, before this weekend? Thank you.

MR. SPEAKER:

Mr. Morin.

Further Return To Question 625-12(7): Stricter Residency Requirements Under BIP

HON. DON MORIN:

Thank you. Mr. Speaker, I understand the Member is asking for the document to be tabled before tomorrow. I don't think so. Hopefully, we can get it done before this session ends. That's what I am attempting to do. Thank you.

MR. SPEAKER:

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

Question 626-12(7): Adherence To Policies Re Lay-off Of GNWT Employees

MRS. MARIE-JEWELL:

Thank you, Mr. Speaker. I would like to ask the Minister responsible for FMBS a question. Mr. Speaker, this afternoon, the Premier announced that there will be an investigation carried out by labour relations with regard to the positions of the assistant manager of air operations and an air attack officer. Would the Minister be willing to expand the investigation to include the manager of air operation's position and to determine whether or not the method used for lay-off notices was in accordance with the policies and procedures of this government regarding lay-offs? Thank you.

MR. SPEAKER:

Minister responsible for the Financial Management Board, Mr. Pollard.

Return To Question 626-12(7): Adherence To Policies Re Lay-off Of GNWT Employees

HON. JOHN POLLARD:

Thank you, Mr. Speaker. Yes, Mr. Speaker. Thank you.

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MR. SPEAKER:

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

Question 627-12(7): Criteria For Seniors For Rent-Free Housing Units

MRS. MARIE-JEWELL:

Thank you, Mr. Speaker. I would like to ask the Minister responsible for the Housing Corporation a question. Mr. Speaker, regarding the new rules with

regard to public housing for seniors, as we know as of April 1st, seniors don't pay any rent. However, the Government of the Northwest Territories recognizes seniors from the age of 60. There are civil servants who may not be retired, who exceed the age of 60 years, who have fairly good jobs, and who may want to sell their homes. They might be encouraged to go into public units because of the free rent for seniors. I would like to ask the Minister whether or not he is reviewing the criteria for seniors for public unit free rent, to ensure that this type of situation is avoided. Thank you.

MR. SPEAKER:

Minister responsible for the Housing Corporation, Mr. Morin.

Return To Question 627-12(7): Criteria For Seniors For Rent-Free Housing Units

HON. DON MORIN:

Thank you, Mr. Speaker. That's one of the questions I have posed to the Housing Corporation and we're looking at the issue of giving seniors free units. They assured me at that time that seniors with high incomes or who want to sell their houses, because of the way the policy is and the core need income threshold, they would make themselves ineligible for public housing. Public housing is for low-income people, so low-income people come first. So far, in the Northwest Territories, there is a waiting list in every community for social housing and that waiting list is full of low-income people. The process, itself, will weed out high-income people. Thank you.

MR. SPEAKER:

Thank you. Supplementary, Mrs. Marie-Jewell.

Supplementary To Question 627-12(7): Criteria For Seniors For Rent-Free Housing Units

MRS. MARIE-JEWELL:

Thank you. On the same note, with regard to seniors, Mr. Speaker, there are seniors who own their own homes and who are still paying mortgages, I believe, through the NWT Housing Corporation R and R program. They are not in free housing because they have this mortgage liability. I'd like to ask the Minister whether or not he can review this category of seniors to try to alleviate this financial burden on them. Thank you.

MR. SPEAKER:

Mr. Morin.

Further Return To Question 627-12(7): Criteria For Seniors For Rent-Free Housing Units

HON. DON MORIN:

Thank you, Mr. Speaker. I'm well aware of the rural and remote program and the hardships it places on seniors who have been paying their mortgages faithfully for many years. For those who have been doing that, we are reviewing their cases. I believe there is a case in Fort Smith, one in Providence and one in Fort McPherson that have been written off. We're trying to do the rest as quickly as we can, but we have to work through CMHC to do it. I want to get those done as soon as possible. Thank you.

MR. SPEAKER:

Thank you. Item 6, oral questions. Are there any further oral questions? Mrs. Marie-Jewell.

Question 628-12(7): Reduction To Fort Smith's Town Boundaries

MRS. MARIE-JEWELL:

Mr. Speaker, I have a question for the Minister of Municipal and Community Affairs. Mr. Speaker, on April 10th, the Minister accompanied me to Fort Smith for a meeting with the town council with regard to the issue of water and sewer policy and, in conjunction with that, the issue of the town boundary. The town boundary goes about 20 miles out of the community, and has been a concern to the town council; they are trying to get the town boundary downsized. With the support of the Metis, the band and the chamber of commerce, the community did ask the Minister whether he would reconsider attempting to downsize the town boundary. I believe the Minister has been working diligently with his department in trying to attempt to come to some type of solution. Would the Minister indicate whether or not a solution has been found, and whether a decision has been made with respect to the boundary issue? Thank you.

MR. SPEAKER:

Minister of Municipal and Community Affairs, Mr. Ng.

Return To Question 628-12(7): Reduction To Fort Smith's Town Boundaries

HON. KELVIN NG:

Thank you, Mr. Speaker. Mr. Speaker, as the Member knows, there was a significant reduction in the municipal boundary in April of 1994. Given that and some of the issues that were brought forward regarding the downsizing of the boundary, I felt that at this time there is no new information or compelling reason to further reduce a municipal boundary. But having said that, Mr. Speaker, there is also the issue of the water and sewer subsidy requests from some of the residents in the Bell Rock area of the community.

In trying to address the boundary issue in conjunction with the water and sewer subsidy possibility, I have directed my department to recommend that we look at providing a water truck to the municipality, if the municipality can reach an accommodation with the current contractor and look at the possibility of the municipality supplying water services to the Salt Plains Reserve, as well, which our department currently provides subsidized water services to. Thank you.

MR. SPEAKER:

Supplementary, Mrs. Marie-Jewell.

Supplementary To Question 628-12(7): Reduction To Fort Smith's Town Boundaries

MRS. MARIE-JEWELL:

Thank you, Mr. Speaker. I thank the Minister for that financial support to the community. I'm sure they will appreciate it.

Mr. Speaker, can I ask the Minister to confirm that the town boundary would include the Bell Rock area, and that the boundary will not go to the pre-1982 boundary line? Is the

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town boundary now to the Bell Rock area and not to its current line?

MR. SPEAKER:

Mr. Ng.

Further Return To Question 628-12(7): Reduction To Fort Smith's Town Boundaries

HON. KELVIN NG:

Thank you, Mr. Speaker. My intention is not to move the existing boundary that was reduced in April of 1994. In effect, the Bell Rock area would remain within the town boundary. The reasoning for that is it would not be consistent with our community boundary policy to have an area outside of the municipal boundary, for one reason: reducing the boundary to what the town currently wants, would also leave the quarry and the solid waste dump site outside of the municipal boundary which, again, is not consistent with the government's current community boundary policy. Thank you.

MR. SPEAKER:

Supplementary, Mrs. Marie-Jewell.

Supplementary To Question 628-12(7): Reduction To Fort Smith's Town Boundaries

MRS. MARIE-JEWELL:

Thank you, Mr. Speaker. Just for further clarification, if I could ask the Minister; the current town boundary that was reduced in April 1994, goes up to Bell Rock. It would be the east side of Highway 5, including the nuisance grounds and the Bell Rock area. I believe the 1994 boundary excluded the quarry, and also excluded the highway section which is not considered to be the town boundary. Am I correct? Can I asked the Minister whether it's correct to state that the town boundary would only be up to Bell Rock, taking in the nuisance grounds, and not to go beyond the Bell Rock area, which now the boundary does go beyond? Thank you.

MR. SPEAKER:

Mr. Ng.

Further Return To Question 628-12(7): Reduction To Fort Smith's Town Boundaries

HON. KELVIN NG:

Thank you, Mr. Speaker. The intention is to leave the town boundary as it currently sits. Thank you.

MR. SPEAKER:

Final supplementary, Mrs. Marie-Jewell.

Supplementary To Question 628-12(7): Reduction To Fort Smith's Town Boundaries

MRS. MARIE-JEWELL:

Mr. Speaker, would the Minister be willing to table a map of the current town boundary which his department has indicated with regard to the April 1994 decision, with respect to indicating the area of the town boundary? Thank you.

MR. SPEAKER:

Mr. Ng.

Further Return To Question 628-12(7): Reduction To Fort Smith's Town Boundaries

HON. KELVIN NG:

Yes, Mr. Speaker, I would be glad to do that. Thank you.

MR. SPEAKER:

Thank you. Item 6, oral questions. Item 7, written questions. Mr. Patterson.

ITEM 7: WRITTEN QUESTIONS

Written Question 32-12(7): Impact Of Regional Reorganization Of Canadian Heritage

MR. PATTERSON:

Thank you, Mr. Speaker. My written question is to the Minister of Economic Development.

Would the Minister responsible for the Department of Economic Development and Tourism please advise this House:

1. Has the department reviewed the impact on parks in Nunavut of the recent regional reorganization of the Department of Canadian Heritage in the NWT?

2. Does the department have concerns about the impact of the reorganization of Canadian Heritage, especially on support for existing and developing parks in Nunavut, and working relations between parks and tourism officials of Economic Development and Tourism and their counterparts in Heritage Canada?

3. What has the Minister done to communicate any concerns about the impacts of the Canadian Heritage regional reorganization to the Minister of Canadian Heritage and senior officials of Canadian Heritage?

Thank you.

MR. SPEAKER:

Thank you. Item 7, written questions. Ms. Mike.

Written Question 33-12(7): Resolutions Of The Nunavut Leaders' Summit On Education And Training

MS. MIKE:

Thank you, Mr. Speaker. I have a written question to the Minister of Education, Culture and Employment, on the resolutions passed at the Gjoa Haven Nunavut leaders' summit meeting, January 19th to 21st. There are a number of questions. If it's okay, I don't wish to read them out.

MR. SPEAKER:

Thank you, Ms. Mike. Could you read your written questions, please?

MS. MIKE:

Thank you, Mr. Speaker. Further to the Nunavut leaders' summit in Gjoa Haven on January 19 to 21, 1995, could the Minister responsible for the Department of Education, Culture and Employment please advise this House on any progress to date regarding:

- a resolution requesting that the Minister of Education, Culture and Employment review the adequacy of the present student financial assistance program for Inuit students;

- 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;

- a resolution recommending that the Minister implement new strategies and programs to achieve greater success in graduating grade 12 students in Nunavut;

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- a resolution recommending that the Minister implement a strategy to ensure adult training programs meet the needs of Nunavut?

Would the Minister indicate whether a detailed response to Nunavut leaders on each of the recommendations and their components can be expected in the near future?

MR. SPEAKER:

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

ITEM 8: RETURNS TO WRITTEN QUESTIONS

Return To Written Question 24-12(7): Firefighters Hired To Accompany Pilots

CLERK OF THE HOUSE (Mr. Hamilton):

Mr. Speaker, Return to Written Question 24-12(7), asked by Mrs. Marie- Jewell to the Minister responsible for forest fire management concerning firefighters hired to accompany pilots.

Two companies were contracted to provide an experienced pilot to accompany the DC-4 crews. They are: Foulger Aviation Services of British Columbia; and, Ken Harvey Associates of Alberta.

The estimated cost of each contract is \$10,000. These are per diem contracts, and the final costs will depend upon the length of time the pilots are required. One of the pilots had to leave early because of illness. The remainder of the training is being carried out by the other pilot.

The decision to hire these experienced pilots was in response to concerns raised by the UNW on behalf of the air attack officers. DC-4 captains with forest fire environment experience have been deployed to the DC-4s in the role of independent observer. The pilot accompanies the crew, provides assistance and direction, as required and until such time as the GNWT and Buffalo Airways jointly acknowledge crew proficiency in a forest fire environment.

The estimated time to complete the contract was two weeks. One crew has been approved for operations as of this past weekend, and the other should be approved this week.

Return To Written Question 30-12(7): Purchase Of Services From Northern Municipal Governments

Return to Written Question 30-12(7), asked by Mr. Patterson to the Minister of Public Works and Services, concerning the purchase of services from northern municipal governments.

Northern municipalities are not businesses and therefore are not eligible for benefits of the business incentive policy. Municipalities are forms of public

government and, as a result, are restricted in their activities with private business.

Most, if not all, of the equipment municipalities rent out and supplies they sell were provided directly or indirectly by GNWT funding. Municipalities should not be provided the same preference as private companies who must finance their own assets.

MR. SPEAKER:

Thank you. We'll take a 10-minute break.

---SHORT RECESS

MR. SPEAKER:

Item 9, replies to opening address. Mr. Lewis.

ITEM 9: REPLIES TO OPENING ADDRESS

Mr. Lewis's Reply

MR. LEWIS:

Thank you, Mr. Speaker. At the Ordinary Members' Caucus meeting this morning, Mr. Ningark, my colleague, asked me if I would be replying today. I said it would depend on how I felt this afternoon. Well, I don't feel that great, Mr. Speaker, I've had several late nights this week but I'm conscious that we are running out of time and we have very important business to deal with.

So to save time, Mr. Speaker, and to be as brief as I can be, I've taken the precaution of making a few notes. The danger of that though, Mr. Speaker is, like my colleague, Mr. Patterson, I may stumble around this short speech since I have great difficulty reading my own handwriting sometimes.

---Laughter

I know some people can relate to that. However, it is a discipline. Because, if I didn't have something written down, we could be here for a long, long time and I know nobody will appreciate that.

Mr. Speaker, depending on who is speaking and making a reply to the Commissioner's address, it can be a bit like driving the Mackenzie Highway: there seems to be no end to it. I know, though, that since Mr. Todd has become the Minister of Transportation, he's doing everything he can to eliminate that perception and making it into a smooth, pleasant drive so you don't think of it as a long, tedious journey.

---Applause

I spoke to him a few minutes ago, Mr. Speaker, and I told him that I would find some way of working his name into my speech, and I've just done it.

---Laughter

HON. JOHN TODD:

Thank you.

MR. LEWIS:

In making my reply today, I will not attempt to do what I threatened nearly eight years ago, Mr. Speaker, with my effort to get into the record books for the longest reply. I've replied to every Commissioner's address since getting elected but, by now, I'm in danger of becoming repetitive. The order paper, though, Mr. Speaker, is there to be used and I've used it to express my concerns and those of my constituents because, as an ordinary Member, that is the tool we have. For those people I irritate by using the order paper, I don't offer any apologies, because that's my job.

I would like to begin with thanks to those who have helped or supported me over my two terms in this Assembly, Mr. Speaker. First of all, I would like to thank Della, my wife...

---Applause

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Who has been a source of considerable support. I phoned her once I decided to speak today, and asked her if she would come across. She said that she has come across for many, many years in the past for many, many things that you want support for, but this afternoon, I have a commitment. She said she can't be here, but to please go ahead without her and she would see people tonight on the Norweta.

Mr. Speaker, when I woke up one Saturday morning about eight years ago, I told my wife I was thinking of running and she was both surprised and pleased. She knew that in my former life, I had been a jock, had travelled extensively and I had complained in those recent months of being sadly out of shape. Of course, she thought I meant jogging, not elections. She was amused when I corrected her. In fact, she cracked up and burst into gales of laughter. I thought, Mr. Speaker, that she was going to choke on this ludicrous idea that I would be running in an election

and not do road work that I had done many, many years ago when I was a young man.

Immediately, although we were still half sleeping, she began giving me a list of the many political liabilities that I have. First, I don't smile enough. Like Mr. Kakfwi, I have never been to charm school, and I'm often accused of not being a barrel of laughs.

---Laughter

But that's something I compensate for in many other ways. I think a lot although I'm not, as I'm sometimes accused of being by Mr. Todd, a philosopher. That's the second time I've brought his name into my speech, Mr. Speaker.

---Laughter

I've also poor at remembering names, Mr. Speaker. Unlike some Members of this Assembly, I'm not a touchy-feely type who can weasel things out of people. The other liability I have, Mr. Speaker, according to this initial list by my wife, is that I had been a senior bureaucrat, one of the untouchables, the people so remote from the lives of ordinary, everyday citizens that I could never understand the feelings of the people who I would want to represent. Therefore, that was the biggest liability of all.

These are just examples, Mr. Speaker. As I said, it was a very long list that went on until quite late that Saturday morning. Eventually, of course, she gave up trying to get me to see the light but when I had officially committed myself, she became my closest advisor and greatest source of encouragement.

Mr. Speaker, I should like to thank also my children: Letia, Loyola, Lara and Lawrence. They are all talented, energetic and creative people. It is not always pleasant to be the offspring of an elected official. I'm grateful to them for their understanding and tolerance. I've been in public service for 32 years and I have not given the time a good father should. I promise to do better in the future because, even at my age, I believe it's never too late.

Prior to and during my terms of office, Mr. Speaker, I was fortunate to receive the help and support of many Yellowknife people. For five years, Eric Watt put together my constituency newspaper, The Blade. It was an excellent, amusing, innovative publication and very popular in the public service. Some constituents, Mr. Speaker, I found felt it was a little bit too lighthearted, perhaps, and I was having too much fun

with it so I haven't produced it over the past few years. I would like to thank Eric Watt for his expert help and his good humour during the times we worked on that publication.

In two campaigns, Mr. Speaker, I've enjoyed the support of the Hinchey family, major contributors to the growth of Yellowknife for over two decades. I would like to thank Stefan Simek and Dana Ferguson of Ferguson, Simek, Clark for their early encouragement. I would extend my thanks to Seamus Henry of Raven Resources; to Tony Vane and Otto Stabel of Yellowknife Motors; to Allan Dunn and Dale Robinson; to Norman Mair and Mike Bell; to the staff of the Abe Miller Centre; to Dwight Noseworthy; and, to my many colleagues in the Department of Education, the Northwest Territories Council for Disabled Persons and the arts community.

Many of my friends helped and encouraged me over the years, Mr. Speaker. There is always a danger in naming names, since some may be left out; however, I owe special thanks to Merlyn and Joyce Williams. I've known them for more than 20 years and I value their friendship, encouragement and support. My main thanks, however, Mr. Speaker, go to the constituents of Yellowknife Centre who have elected me for two terms. I've tried my best to represent them and their interests in this Assembly. I've tried several, innovative ways of sampling public opinion on a number of issues. I've made many friends I would not have made if I had simply taken a nine-to-five job.

It's been an incredible experience and I've learned a lot from my colleagues in this place. In fact, we have all grown together. If there is anything I have dedicated my life to, it is being with people, to grow together, and realize the full potential that every human being has. I know that this short reply, Mr. Speaker, will sound like I'm saying a fond farewell to all of those who have touched my life over the past seven and a half years. All I have to say is this, Mr. Speaker; when the 13th Assembly meets -- and I don't think it will be an unlucky Assembly, Mr. Speaker, but there is something ominous about being a Member of the 13th Assembly -- in this Chamber next November, I shall either be sitting in one of these few seats in this Chamber at the ground level or one of those many seats in the gallery, ready to face another northern winter and this government.

To all Members, I would like to thank you for enriching my life, simply by knowing you. I would like to wish everyone seeking re-election best wishes on October 16th. Like my colleague, Mr. Pudluk, I would like to

express my appreciation of the skills of Mr. Hamilton. He seems to be able to handle dozens of unrelated items simultaneously, the sign of a very able person. If, in my future life I were looking for somebody who I could afford to pay, he would be somebody I would certainly hire.

In closing, Mr. Speaker, I would like my constituents to note that I have fought for the issues I've promised to fight for in this Assembly. The first is responsible and accountable government. The struggle for responsible government in the Northwest Territories goes back to 1870. We've come a long way but there's a long way to go.

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The other issue has been economic development and the lessening of dependency on government. On the surface, these seem like contradictory ideas but they are complementary. People should have the kind of government they want but have to recognize that since it is theirs, they have to pay for it. As we all know, Mr. Speaker, affordability is the key to understanding the economics of modern government. Even to keep the level of programs we already have, we have to create more wealth. I've preached this sermon over and over again in this Assembly. Hopefully, the message won't be lost and it will continue to be repeated in future Assemblies.

In order to give Members an insight into the kind of person I am, I'm satisfied with the period of time that I've served in this Assembly doing what I could do and fitting into the gaps that needed to be fitted. I've found that throughout my life, Mr. Speaker, I tend to fight when I see a fight that needs to be fought, and I'm prepared to retreat when I figure it would be to the benefit of all the people. Retreat may be the name of the

game for some of us in the future, but that is an option that we all have to leave until another time. Thank you, Mr. Speaker.

---Applause

MR. SPEAKER:

Item 9, replies to opening address. Item 10, petitions. Item 11, reports of standing and special committees. Item 12, reports of committees on the review of bills. Item 13, tabling of documents. Mr. Nerysoo.

ITEM 13: TABLING OF DOCUMENTS

HON. RICHARD NERYSOO:

Thank you, Mr. Speaker. I wish to table Tabled Document 135-12(7), a letter from myself to M. Daniel Cuerrier, president of la Federation Franco-TeNoise, concerning meetings with Mr. Cuerrier and his legal counsel, dated June 14, 1995.

I wish to table Tabled Document 136-12(7), a letter from myself to Mr. Victor C. Goldbloom, Commissioner of Official Languages, Canada, regarding matters concerning the Federation Franco-TeNoise, dated June 14, 1995.

Mr. Speaker, I also wish to table Tabled Document 137-12(7), a motion from the Beaufort/Delta Divisional Board of Education. Thank you, Mr. Speaker.

MR. SPEAKER:

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

HON. STEPHEN KAKFWI:

Thank you, Mr. Speaker. On behalf of the Premier, I wish to table two documents. I wish to table Tabled Document 138-12(7), the proposed Adoption Act and Tabled Document 139-12(7), the proposed Child and Family Services Act.

As the Minister of Justice, I would like to table two documents. I wish to table Tabled Document 140-12(7), the proposed Children's Law Act and Tabled Document 141-12(7), the proposed Family Law Act. Thank you.

MR. SPEAKER:

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

MRS. MARIE-JEWELL:

Thank you, Mr. Speaker. I would like to table two documents. I wish to table Tabled Document 142-12(7), a letter addressed to Mr. Keith Dowling, who's the regional vice-president of the Union of Northern Workers, from Alex Carson, who's the Alberta district manager with respect to the labour program.

I also wish to table Tabled Document 143-12(7), a letter addressed to myself on Minister of Renewable Resources letterhead, signed for Mr. Morin. Thank you.

MR. SPEAKER:

Item 13, tabling of documents. Item 14, notices of motion. Mr. Ningark.

ITEM 14: NOTICES OF MOTIONS

Motion 23-12(7): Legislative Assembly's Request For Senate Public Hearings On Bill C-68

MR. NINGARK:

Thank you, Mr. Speaker. Mr. Speaker, I give notice that on Monday, June 19, 1995, I will move the following motion: I move, seconded by the honourable Member for Inuvik, that the Legislative Assembly express dissatisfaction with Bill C-68, and indicate to the Senate of Canada that the amendment made to Bill C-68 does not satisfy the concerns of aboriginal people and other residents of the Northwest Territories; further, that the Legislative Assembly call upon the Senate of Canada to hold public hearings in the Northwest Territories on Bill C-68 so that the residents of the Northwest Territories will have the opportunity to directly express concerns regarding a matter of considerable importance to the people of the north.

And, Mr. Speaker, at the appropriate time, I will be seeking unanimous consent to deal with my motion today. Thank you.

---Applause

MR. SPEAKER:

Thank you. Item 14, notices of motion. Item 15, notices of motions for first reading of bills. Item 16, motions. Mr. Ningark.

MR. NINGARK:

Thank you, Mr. Speaker. I seek consent to deal with my motion at this time.

MR. SPEAKER:

The Member for Natilikmiot is seeking unanimous consent to deal with this motion today. Do we have any nays? There are no nays. Proceed, Mr. Ningark.

ITEM 16: MOTIONS

Motion 23-12(7): Legislative Assembly's Request For Senate Public Hearings On Bill C-68, Carried

MR. NINGARK:

Thank you, Mr. Speaker. Thank you, colleagues.

WHEREAS hunting wildlife and marine mammals for food is a fundamental characteristic of the way of life for many people in the Northwest Territories;

AND WHEREAS many people, and particularly aboriginal people, possess firearms to hunt for food and to engage in other aspects of a traditional lifestyle;

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AND WHEREAS the Parliament of Canada has, on June 13, 1995, given final reading to Bill C-68, An Act Respecting Firearms and Other Weapons;

AND WHEREAS this Assembly and residents of the NWT have expressed their opposition to firearms registration and penalty provisions of Bill C-68;

AND WHEREAS the federal government proposed, and received, approval of an amendment to Bill C-68 which purports to not abrogate or derogate from aboriginal rights or treaty rights;

AND WHEREAS NWT residents remain concerned that Bill C-68, despite the amendments, totally fails to adequately recognize the realities of how people live in the Northwest Territories;

AND WHEREAS Bill C-68 will now be considered by the Senate of Canada;

NOW THEREFORE I MOVE, seconded by the honourable Member for Inuvik, that the Legislative Assembly express dissatisfaction with Bill C-68 and indicate to the Senate of Canada that the amendments made to Bill C-68 do not satisfy the concerns of aboriginal peoples and other residents of the Northwest Territories.

AND FURTHER, that the Legislative Assembly call upon the Senate of Canada to hold public hearings in the Northwest Territories on Bill C-68 so that the residents of the Northwest Territories will have the opportunity to directly express concerns regarding a matter of considerable importance to the people of the north.

MR. SPEAKER:

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

MR. NINGARK:

Thank you, Mr. Speaker. Each and every Member of this Legislature knows the importance of hunting for a subsistence way of life in the north. Just about every aboriginal person in this Legislature grew up living in a camp; where every member of a community, every member of a household in an aboriginal family, uses hunting as an occupation. Mr. Speaker, when I was growing up, my sister was a hunter; my stepfather was a hunter; my stepbrother was a hunter; my uncles, my nieces, even my grandparents were hunters.

When we hunted, one of the most important parts of the equipment or tools was a firearm. When we travelled from one campsite to the other, one of the most fragile pieces of equipment on the dogsled or in the boat was a firearm. We were told over and over again by the elders that you handled a firearm as though it were loaded. You handled the firearm as though your life depended upon the firearm.

Mr. Speaker, our lives did depend on firearms at that time, and most aboriginal people in the communities across the board here still depend highly on the use of firearms; therefore -- I take it my seconder will speak on the technical nature of the firearm -- I would urge my colleagues to support the motion. Thank you.

MR. SPEAKER:

Thank you, Mr. Ningark. Seconder to the motion. Mr. Koe, to the motion.

MR. KOE:

Qujannamiik, Mr. Speaker. I am seconding this motion because, in my travels and discussions as I travel across the north and talk to people on various issues, the issue of gun control has been front and centre. I have yet to talk to one individual that supports this new bill, C-68, the gun control law.

So the Members of this House over the past months, in the different hearings and in the federal standing committee that was dealing with the act to which Members of this House made presentations, have addressed a lot of the concerns and issues that impact the north and impact northerners.

As my colleague, the mover of the motion, stated, firearms are weapons or pieces of equipment that we use in the north as part of our lifestyles; they are very rarely used to harm other people. I am not saying that doesn't happen because we all know it does.

No one is opposed to the safe use and storage of equipment and firearms, but we are opposed to the way the bill has been introduced and the way the bill has been railroaded through the House of Commons. This is why we are asking the Senate, which is now tasked with reviewing the bill that was passed by the House of Commons, to come to the north. We are requesting that they hold public hearings and that they come to the north to talk to northerners where we live, in our home communities.

So that's why I am seconding the motion and will be supporting it. Thank you.

---Applause

MR. SPEAKER:

Thank you. To the motion. Mr. Ningark, do you have any last comments to make?

MR. NINGARK:

No, Mr. Speaker. I would request a recorded vote on the motion. Thank you.

MR. SPEAKER:

A recorded vote is requested. All those in favour of the motion, please stand.

Recorded Vote

CLERK OF THE HOUSE (Mr. Hamilton):

Mr. Ningark, Mr. Lewis, Mr. Patterson, Mrs. Thompson, Mr. Pudlat, Mr. Dent, Mr. Ballantyne, Mr. Koe, Mr. Antoine, Mr. Pudluk, Mr. Arngna'naaq, Mr. Ng, Mr. Kakwi, Mr. Morin, Mr. Todd, Mr. Nerysoo, Mr. Whitford.

MR. SPEAKER:

Thank you. All those opposed, please stand. The result of the vote on the motion is in favour, 17; opposed, zero; and, abstentions, zero. This motion is carried unanimously.

---Carried

---Applause

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MR. SPEAKER: Item 16, motions. Item 17, first reading of bills. Item 18, second reading of bills. Item 19, consideration in committee of the whole of bills

and other matters, Committee Report 11-12(7), and Bills 25 and 34, with Mr. Whitford in the chair.

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

CHAIRMAN (Mr. Whitford):

Bonjour, tout le monde. Good afternoon, everyone. The committee will now come to order. What is the wish of the committee? Mr. Dent.

MR. DENT:

Thank you, Mr. Chairman. I would like to recommend the committee continue consideration of Bill 25 and Committee Report 11-12(7).

CHAIRMAN (Mr. Whitford):

Thank you, Mr. Dent. Does the committee agree?

SOME HON. MEMBERS:

Agreed.

---Agreed

Committee Report 11-12(7): Report On The Review Of Bill 25 - The Education Act

Bill 25: Education Act

CHAIRMAN (Mr. Whitford):

Thank you. When we adjourned yesterday, the committee was on general comments, and I would like to ask at this time if the Minister is prepared to take the witness chair, along with some of his staff to assist him? Does the committee agree that the Minister appear at the witness table?

SOME HON. MEMBERS:

Agreed.

---Agreed

CHAIRMAN (Mr. Whitford):

Thank you. Mr. Minister.

HON. RICHARD NERYSOO:

Thank you. May I have the concurrence of the committee Members to bring in witnesses, Mr. Chairman?

CHAIRMAN (Mr. Whitford):

Thank you. Does the committee agree we bring in witnesses to assist him?

SOME HON. MEMBERS:

Agreed.

---Agreed

CHAIRMAN (Mr. Whitford):

Good. Thank you. Sergeant-at-Arms. Good afternoon, Mr. Minister. For the record, would you identify your witnesses, please?

HON. RICHARD NERYSOO:

Thank you, Mr. Chairman. If I might, on my right, Ms. Gail Joyce, director of policy and planning. Left, Carol Whitehouse, our legislative counsel. My right, behind, Janet Grinsted. Immediately behind, Eric Colbourne; and on my left, behind, Mr. Hal Gerein, the deputy minister.

CHAIRMAN (Mr. Whitford):

Thank you, Mr. Minister. Welcome to the committee again. When we left off yesterday, we were on general comments. General comments. Are there no further general comments?

AN HON. MEMBER:

Clause by clause.

CHAIRMAN (Mr. Whitford):

Does the committee agree we go clause by clause?

SOME HON. MEMBERS:

Agreed.

---Agreed

Clause By Clause

CHAIRMAN (Mr. Whitford):

Clause 1. Mr. Minister.

HON. RICHARD NERYSOO:

Thank you, Mr. Chairman. I move that clause 1 of Bill 25 be amended by

(a)striking out "(Canada)." in the definition of "public denominational school" in proposed subsection (1) and by substitution "(Canada)"; and

(b)striking out "under" in the definition of "Superintendent" in proposed subsection (1) and by substituting "pursuant to".

CHAIRMAN (Mr. Whitford):

May we have a copy of that motion, temporarily? We're just trying to identify the amendments. We have copies of amendments but, somehow or other, the sequence may have been broken. Is this clause 1 of Bill 25, the Education Act?

HON. RICHARD NERYSOO:

Yes.

CHAIRMAN (Mr. Whitford):

That clause 1 be amended by striking out "authority." We're just circulating the correct one, Mr. Minister. Just bear with us for a minute or two.

Mr. Minister, I apologize for the slight delay. Would you be so kind as to reread the motion for clause 1?

Committee Motion 67-12(7): To Amend Clause 1 Of Bill 25, Carried

HON. RICHARD NERYSOO:

Thank you, Mr. Chairman. I move that clause 1 of Bill 25 by amended by

(a) striking out "(Canada)." in the definition of "public denominational school" in proposed subsection (1) and by substituting "(Canada)"; and

(b) striking out "under" in the definition of "Superintendent" in proposed subsection (1) and by substituting "pursuant to".

CHAIRMAN (Mr. Whitford):

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

SOME HON. MEMBERS:

Question.

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CHAIRMAN (Mr. Whitford):

Question has been called. All those in favour of the motion, please signify. All those opposed, please signify. The motion is carried.

---Carried

CHAIRMAN (Mr. Whitford):

Clause 1, as amended. Mr. Minister.

Committee Motion 68-12(7): To Amend Clause 1 Of Bill 25, Carried

HON. RICHARD NERYSOO:

Thank you, Mr. Chairman. I move that clause 1 of Bill 25 be amended by striking out "Authority or a Divisional Education Council, or both," in the definition of "education body" in proposed subsection (1) and by substituting "Authority, a Divisional Education Council or a commission scolaire francophone de division, or all of them,".

CHAIRMAN (Mr. Whitford):

Thank you, Mr. Minister. Mr. Minister, your motion is in order. To the motion. Mr. Dent.

MR. DENT:

Thank you, Mr. Chairman. Mr. Chairman, I know that some people in the Francophone groups had hoped that the Minister would include in his amendment "conseil scolaire francophone," and I notice that he hasn't. I was wondering if

the chair would permit me to ask some questions for clarification on this.

If you will, Mr. Chairman, I would first like to know if the Minister could advise if, under the new act, what we currently call a community education council is, in fact, becoming a district education authority.

CHAIRMAN (Mr. Whitford):

Thank you, Mr. Dent. Mr. Minister, to the motion.

HON. RICHARD NERYSOO:

Thank you, Mr. Chairman. The honourable Member is correct; an education body is not an advisory body, but a full decision-making body in the act.

CHAIRMAN (Mr. Whitford):

Thank you, Mr. Minister. Member for Yellowknife Frame Lake, Mr. Dent.

MR. DENT:

Thank you. Mr. Chairman, just for further clarification, in the new act, we're significantly increasing the authority of a community education council as it becomes a district education authority. Could the Minister advise what the difference is between a current CEC and a current conseil scolaire francophone?

CHAIRMAN (Mr. Whitford):

Thank you, Mr. Dent. Mr. Minister.

HON. RICHARD NERYSOO:

Thank you, Mr. Chairman. The reason conseil cannot become an education body is that it is established by a district education authority, so it cannot be an educational body.

CHAIRMAN (Mr. Whitford):

Thank you, Mr. Minister. To the motion. Mr. Dent.

MR. DENT:

Thank you, Mr. Chairman. I take it from that, that the Minister does not feel that it would be appropriate for a conseil to take on more than an advisory position. Is that the position that he's taking?

CHAIRMAN (Mr. Whitford):

Thank you, Mr. Dent. Mr. Minister.

HON. RICHARD NERYSOO:

Thank you, Mr. Chairman. A conseil is a subcommittee of the district education authority, but it is responsible only for French language programming and management. That is the responsibility, and the legislation indicates that while it is a subcommittee, clearly we will authorize, under regulations, the authority of management and responsibility for programming.

CHAIRMAN (Mr. Whitford):

Thank you, Mr. Minister. Mr. Dent.

MR. DENT:

Thank you, Mr. Chairman. I also noted that the Minister tabled a letter today that he had sent to the president of the la Federation Franco-TeNoise in which he outlines the 1992 agreement. Perhaps he could clarify that he means the tripartite agreement between the Yellowknife Education District No. 1, the Department of Education or Government of the Northwest Territories, and L'association des parents Francophones de Yellowknife. We have now a document in the records of this House that indicate that that agreement will form the basis for the regulations -- ensure that the conseil will, in fact, be guaranteed their existence and...Excuse me, Mr. Chairman, I have lost the word I was looking for.

---Laughter

And some certainty that their concerns will be addressed.

CHAIRMAN (Mr. Whitford):

Thank you, Mr. Dent. Mr. Minister.

HON. RICHARD NERYSOO:

Thank you very much, Mr. Chairman. I appreciate the concerns and the comments of the honourable Member. I want to advise the honourable Member, as I have through providing a copy of the letter, that I have clearly made a commitment that the regulations regarding section 23 will be developed in consultation with the Federation Franco-TeNoise. We will consult the federation about both the proposed content of the regulations and the draft of the regulations. The bill, if approved, is scheduled to come into force on July 1, 1996, and we have indicated that we will have the regulations completed by that time so that when the bill and the legislation comes into effect, the regulations will give authority based on the 1992-93 agreement. That document will form the basis of the framework for regulations.

Mr. Chairman, adding to that, what we have tried to do is clarify a number of other issues with the Federation Franco-TeNoise because it is important that we do not create a situation where they are not involved. It is certainly our commitment to do so. And in a letter, accordingly, I have advised them that they will be a part of the process and it is our commitment to include them. That, Mr. Chairman, is what I will commit at this time.

In addition to that, Mr. Chairman, I want to advise that the 1992 agreement will be in force until the

conclusion of the regulations; at which time the regulations will take effect and they will assume the authority that has been reached. Thank you, Mr. Chairman.

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CHAIRMAN (Mr. Whitford):

Thank you, Mr. Minister. To the motion.

AN HON. MEMBER:

Question.

CHAIRMAN (Mr. Whitford):

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

---Carried

Clause 1, as amended. Mr. Minister.

Committee Motion 69-12(7): To Amend Clause 1 Of Bill 25, Carried

HON. RICHARD NERYSOO:

Thank you, Mr. Chairman. I move that clause 1 of Bill 25 be amended by adding "or adoptive" after "the biological" wherever it appears in proposed subsection (3).

CHAIRMAN (Mr. Whitford):

Thank you, Mr. Minister. The motion is being circulated. I will review it while it's being circulated, to determine whether it's in order.

The motion is in order. It deals with subsection (3) on page 6. To the motion.

AN HON. MEMBER:

Question.

CHAIRMAN (Mr. Whitford):

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

---Carried

Clause 1, as amended. Mr. Dent.

MR. DENT:

Thank you, Mr. Chairman. I have a question. Some of the wording seems a little bit unclear. Perhaps I could ask the Minister, under clause 1.(2)(c), reference is made to a "written agreement." I wonder if he could give me an example of who the parties might be to such a written agreement.

CHAIRMAN (Mr. Whitford):

Thank you, Mr. Dent. Mr. Minister.

HON. RICHARD NERYSOO:

I would like to ask Ms. Whitehouse to respond to that, Mr. Chairman.

CHAIRMAN (Mr. Whitford):

Thank you, Mr. Minister. Ms. Whitehouse.

MS. WHITEHOUSE:

Thank you, Mr. Chairman. A written agreement of this nature could be an agreement between a parent and any other person who agrees to have custody of a student during the term of the school year. For example, if someone moves out of a community, and a child wishes to remain as a student to finish their year, the parent could enter into a written agreement with another adult to have custody of the student for the remainder of the year. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Whitford):

Thank you, Ms. Whitehouse. Mr. Koe.

MR. KOE:

We currently have aboriginal teachers in this system; do they fall under the category of teacher or teacher intern? Does that cover them?

CHAIRMAN (Mr. Whitford):

Thank you, Mr. Koe. Mr. Minister.

HON. DON MORIN:

Thank you. Yes, Mr. Chairman.

CHAIRMAN (Mr. Whitford):

Thank you, Mr. Minister. Mr. Koe.

MR. KOE:

Would it be feasible to add the words "aboriginal teachers" in there under teacher interns?

CHAIRMAN (Mr. Whitford):

Thank you. Mr. Koe.

MR. KOE:

I should be clear. I meant aboriginal language teachers, not aboriginal teachers. That's who I'm referring to.

CHAIRMAN (Mr. Whitford):

Thank you, Mr. Koe. Mr. Minister.

HON. RICHARD NERYSOO:

Thank you, Mr. Chairman. The definition of teachers and teacher interns include all aspects of teaching. It includes the aboriginal language teachers. They hold special certificates, but are included in the definition because it is a broad definition and incorporates them. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Whitford):

Thank you, Mr. Minister. Clause 1, as amended.

SOME HON. MEMBERS:

Agreed.

CHAIRMAN (Mr. Whitford):

Mr. Koe.

MR. KOE:

I don't have any more comments on clause 1. If it's agreed, I would like to speak.

CHAIRMAN (Mr. Whitford):

Thank you. Clause 1, as amended.

SOME HON. MEMBERS:

Agreed.

---Agreed

CHAIRMAN (Mr. Whitford):

Thank you. We have agreement, Mr. Koe.

MR. KOE:

Thank you, Mr. Chairman. I was a little confused when we started this bill here because I was on page 1 of the act and it starts with the preamble. I have a lot of comments to make on the preamble, and I'm just wondering when we'll have a chance to speak to the preamble. Is the preamble a part of the act?

CHAIRMAN (Mr. Whitford):

Thank you, Mr. Koe. Your concerns will be addressed. The preamble will be dealt with at the end. We're dealing with clauses, and then we will deal with the preamble. That's the format we'll be using. It's part of the act. Mr. Koe.

MR. KOE:

Thank you. I have some problems with that because the preamble comes at the start of the act and it's my belief that it sets the stage and the basis for a lot of the clauses and the underlying concepts in the act. The comments I

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wanted to make dealing with the preamble are going to question a lot of the clauses in the act, so once we get to that, I'll be referring to the preamble. It won't make sense because, unless we discuss the preamble at the start, things seem out of balance. I'm just questioning why we're leaving the preamble to the end.

CHAIRMAN (Mr. Whitford):

Thank you, Mr. Koe. I shall refer to Mr. Hamilton to explain the process.

CLERK OF THE HOUSE (Mr. Hamilton):

Thank you, Mr. Chairman. The purpose of dealing with a preamble to a bill last is so that when all the clauses and any schedules to a bill have been agreed to, the preamble is considered. That allows that any amendments that may have been moved to the bill, could have an option of referring them into the preamble. So as you go through the bill, any amendments that are made in the bill that Members feel could be reflected in the preamble, then that is your opportunity to amend the preamble. The preamble to the bill can be amended.

CHAIRMAN (Mr. Whitford):

Thank you, Mr. Hamilton. It's contained in Beauchesne's 705. Thank you. Clause 1, as

amended. It's already been dealt with. I was going to go to clause 2 now, but...Mr. Antoine.

MR. ANTOINE:

Did you say clause 1, as amended?

CHAIRMAN (Mr. Whitford):

Yes, I said clause 1, as amended, and we had agreement. Just to accommodate Mr. Koe, he had a concern that if it were passed he just wanted to express that concern and he did. But do you wish to express something on clause 1 which has already been agreed upon? Mr. Antoine.

MR. ANTOINE:

Yes. My concern is similar to what Mr. Koe was saying regarding the preamble. It pertains to certain rights that we have regarding certain sections of the Constitution Act, 1982. I just wanted to ask legal counsel a question before we get into the body of the bill; the clauses.

CHAIRMAN (Mr. Whitford):

Mr. Antoine, we've already done general comments. We've already concluded clause 1, as amended, and we're prepared to go to clause 2. Mr. Hamilton explained the process of the preamble and of how we arrived at its place in the bill. We're going to deal with clause 2, but if you wish to ask Ms. MacPherson a question, we can allow that. But we're going to be dealing with clause 2 in a moment. Mr. Antoine.

MR. ANTOINE:

I wanted to ask a question. Are you allowing me to ask a question?

CHAIRMAN (Mr. Whitford):

If it deals with clause 2, which we're going to be dealing with. Mr. Antoine.

MR. ANTOINE:

I would like to ask consent to return to general comments so I could ask a question. Thank you.

CHAIRMAN (Mr. Whitford):

Thank you, Mr. Antoine. I shall ask the committee if there's agreement to return to general comments. Does the committee agree that we return to general comments?

SOME HON. MEMBERS:

Agreed.

---Agreed

General Comments

CHAIRMAN (Mr. Whitford):

Thank you, Mr. Antoine.

MR. ANTOINE:

Thank you, Mr. Chairman. I would like to thank my colleagues as well for allowing me to ask these questions. I wanted to ask some questions on the process that was outlined because Bill 25 has a preamble, and you're saying that we will deal with it after dealing with all the clauses. But I wanted to ask these questions upfront.

It was to deal with the Canadian Constitution of 1982. I'm interested in a number of sections in the Constitution: section 15; 22; 23; 25; and, 35. In these different sections, just for the record, I wanted to ask that these sections deal with quality rights. Section 15 states that every individual is equal under the law and has the right to protection and equal benefits of the law under discrimination; in particular, without discrimination based on race, national or ethnic origins, colour, religions, sex, age, or mental or physical disability. Subsection (1) does not preclude any law, program or activity that has as its objectives the amelioration of conditions of disadvantaged individuals or groups, including those who are disadvantaged because of race, national or ethnic origin, colour, religion, sex, age, or mental or physical disability. That's one section under the equality rights.

The next section is the official languages of Canada. Section 22 states that nothing in sections 16 to 20 abrogates or derogates from any legal or customary right or privilege acquired or enjoyed, either before or after the coming into force of this Charter, with respect to any language that is not English or French. That is the area that I'm interested in.

The other one is under the minority language educational rights, in section 23. Citizens of Canada;

-whose first language learned and still understood is that of English or French linguistic minority population of the province in which they reside;

-who have received their primary school instruction in Canada in English or French; and,

-reside in a province where the languages in which they received that instruction is the language of the English or French linguistic minority population of the province;

had the right to have their children receive primary and secondary school instruction in that language in that province.

Section 25, aboriginal rights and freedoms not affected under Charter. The guarantee in this Charter of certain rights and freedoms shall not be construed as to abrogate or derogate from any aboriginal treaty or other rights or freedoms that pertain to the aboriginal peoples of Canada, including:

(a)the rights of freedoms that have been recognized by the Royal proclamation of October 7, 1763; and

(b)any rights of freedoms that now exist by way of land claims agreements or may be so acquired.

I'll go on to section 35; that the existing aboriginal treaty rights of the aboriginal people of Canada are hereby recognized and

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affirmed. In this act, aboriginal people of Canada include Indian, Inuit and Metis peoples of Canada.

Have the legal people for the Legislative Assembly examined these sections in the Canadian Constitution of 1982 to see whether this new Education Act is contrary to these sections in the Canadian Constitution? Thank you.

CHAIRMAN (Mr. Whitford):

Thank you, Mr. Antoine. You're directing that to our legal counsel, Ms. MacPherson.

LAW CLERK (Ms. MacPherson):

Thank you, Mr. Chairman. That's a significant question. I'm not sure that anybody could say, with any degree of certainty, the scope and extent, for example, of the rights under section 35, aboriginal rights. That section, as the Member has pointed out, says that nothing is meant to take away from the existence of aboriginal rights; but without knowing what the scope of aboriginal rights is, it's very difficult

to look at the Education Act and see if there's anything in there that infringes on aboriginal rights.

I can say that the preamble is expressly worded, that the preamble is worded very cautiously so as to ensure that nothing in the preamble is meant to take away from those rights. In other words, those rights are being recognized but they're not being defined or elaborated upon in the Education Act. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Whitford):

Thank you, Ms. MacPherson. Mr. Antoine.

MR. ANTOINE:

My concern, Mr. Chairman, with the Education Act is that the legal opinion has not really looked at the aboriginal treaty rights which exist under the Canadian Constitution and pertain to this act. It has not done that. We are going forward to pass this Education Act without having a really close look at this act. It might be infringing on the treaty and aboriginal rights of the people in the north. To go ahead and move it at this time is a very serious concern for me.

There are legal people who specialize in aboriginal and treaty rights. If we could have the legal opinions of these types of experts to help us look at this Education Act in light of the Canadian constitutional protection that we have as aboriginal people, I think that would be the way to go with this act. I have serious concerns about that. The more I talk to people who have expertise in this area, the more concerned I am. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Whitford):

Thank you, Mr. Antoine. Ms. MacPherson.

LAW CLERK (Ms. MacPherson):

Thank you, Mr. Chairman. Perhaps if I can just add; I don't see anything in this act which attempts to limit or abrogate aboriginal rights. This is a law that is meant to be a law of general application in the fact that it would impose certain rights and obligations on all of the citizens of the Northwest Territories. It is very conceivable that there are aboriginal rights that go beyond the Education Act which haven't been defined yet.

In other words, there are certain educational rights that are given under this act, but there is nothing in

this act that says that is the extent of education rights for aboriginal people. So, from that perspective, the act has been reviewed. It hasn't been reviewed to see if this act complies with those further aboriginal or treaty rights, because I am not quite sure that anybody, at this stage, could give a definitive opinion in that area given the uncertainty both in the law and in negotiations on that issue. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Whitford):

Thank you, Ms. MacPherson. Mr. Antoine.

MR. ANTOINE:

Thank you, Mr. Chairman. The little confusion that we had here earlier with the preamble -- and we deal with it at the end of all the clauses -- causes me great concern because the only thing in this whole act that mentions my concern, which is treaty and aboriginal rights, is in the preamble. All it says is, "recognizing the rights and freedoms of aboriginal people in the Northwest Territories as set out in section 35 of the Constitution Act of 1982."

That is where my concern is. From my understanding, the preamble is not part of the act. So, even though it may say these things in the preamble, it's not in the act. What I understand is that once this act gets into place, it is going to be about a year or so before any of the regulations that would drive this bill will be developed. If it is not in the act, it's up to the interpretation of the department to develop the regulations based on treaty and aboriginal rights. Is my understanding correct that the preamble is not part of the act and that, if regulations are being developed once this act is passed, it will take about a year or so and the preamble doesn't necessarily help in the development of the regulations? Thank you, Mr. Chairman.

CHAIRMAN (Mr. Whitford):

Thank you, Mr. Antoine. I shall refer to Ms. MacPherson for comment.

LAW CLERK (Ms. MacPherson):

Thank you, Mr. Chairman. The preamble is a part of the act and it would be used, for example, by the courts to assist the court in interpreting the act if there were ever any question about what the act attempted to do. So if there was a section that was unclear or ambiguous or capable of more than one interpretation, the courts would look to the preamble

to see the intention of this Legislature when they passed the act and to assist the court in the interpretation of the act. So the preamble, while not containing substantive rights or substantive law, is very much an aid to interpretation by the courts. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Whitford):

Thank you, Ms. MacPherson. Mr. Antoine.

MR. ANTOINE:

Thank you, Mr. Chairman. What legal status does this preamble have in terms of challenge, like a court challenge, for this act? Thank you.

CHAIRMAN (Mr. Whitford):

Thank you, Mr. Antoine. Ms. MacPherson.

LAW CLERK (Ms. MacPherson):

I am a bit unclear, Mr. Chairman, as to the question. The preamble will be used to assist the court if there were ever a challenge to the act. For example, if somebody challenged the act on the sections dealing with religious education and the court wanted to find out what this Legislature meant in section 77, it could look to

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the preamble to garner the intention of the Legislature. So, in terms of the status, it is a part of the law. It will, if it's passed through this House and the act is proclaimed into force, form a part of the Education Act and will be a part of the law that comprises the Education Act. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Whitford):

Thank you, Ms. MacPherson. Clause 2. General comments. Mr. Koe.

MR. KOE:

Mr. Chairman, my colleague initially asked unanimous consent to go back to general comments, so I assume we are still on general comments.

CHAIRMAN (Mr. Whitford):

That is correct. You are correct. He had 55 seconds left in his time slot. Mr. Koe, general comments.

MR. KOE:

I just want to make some general comments on the act. On pages 1 and 2 -- I think it's referred to as the preamble

-- I would like to make some comments before we get into more detail on the clauses.

There is a section in the preamble that refers to the physical, emotional, social, intellectual and spiritual aspects of the lives of students. These are key words used to impact the life of a student, but I do not believe the act itself can set the rules in respect of these issues.

Paragraph three goes on to say that education is a partnership between parents, students, educators and government; but in the act, the act tends to set a lot of limitations and restrictions on the development of these aspects for a student. So I just wanted to say that all the partners in education must focus on the development of the student with as much leeway and as much freedom as possible. We can't continue to restrict them and set restrictions and limitations on the system.

The whole area of rights and freedoms of aboriginal people is another area that I'd like to mention. My colleague, Mr. Antoine, mentioned the various clauses that relate to rights, freedoms and languages as set out in the Constitution Act, 1982.

I would like to ask a question and get clarification for the record. Does section 35 of the Constitution Act include all the land claim agreements that have been settled to date?

CHAIRMAN (Mr. Whitford):

Thank you, Mr. Koe. Ms. MacPherson.

LAW CLERK (Ms. MacPherson):

Thank you, Mr. Chairman. Yes, it does. Section 35.(3) of the Constitution Act, 1982 provides that treaty rights includes rights that now exist by way of land claims agreements or may be so acquired. That would include rights, as they existed in 1982, and those that may be acquired as negotiations commence.

CHAIRMAN (Mr. Whitford):

Thank you, Ms. MacPherson. Mr. Koe.

MR. KOE:

The other area is that there are a lot of negotiations going on now, so where would any future agreements come into play? Does section 35 cover future agreements, say the Dogrib or Treaty 8 entitlements? Are they covered under section 35?

CHAIRMAN (Mr. Whitford):

Thank you, Mr. Koe. I believe Ms. MacPherson did answer that but, just to clarify, we'll refer back to Ms. MacPherson.

LAW CLERK (Ms. MacPherson):

Yes, Mr. Chairman, for the record they would include future land claim agreements.

CHAIRMAN (Mr. Whitford):

Thank you, Ms. MacPherson. Mr. Koe.

MR. KOE:

Mr. Antoine raised a question that the only place that we refer to section 15, the equality issue; sections 23 and 25 dealing with language; and, section 35, is in the preamble. Would it be feasible to have a similar clause referring to these sections, or at least section 35, included somewhere in the act itself? Why isn't that specific clause included in the act itself?

CHAIRMAN (Mr. Whitford):

Thank you, Mr. Koe. Mr. Minister.

HON. RICHARD NERYSOO:

Mr. Chairman, the preamble is part of the act. It clarifies the basis on which we will interpret the application of the act and, as such, section 15 and 23 that the honourable Member is referring to has to form the basis of the application of the administration of education.

We're not in the business of defining what those rights are; we're making certain that we apply them accordingly. The problem is that there are a number of things that have to be done yet to continue to define those rights: whether or not they are court cases, negotiations, redefinition of treaties, or other arrangements, like new policy changes that take place. All of these will have a bearing on the applications that are in the preamble.

We can not change the definition of section 35, 25, 15, or 23 because we don't have the authority to amend the Constitution of Canada. Those arrangements are reached between the parties and are defined accordingly in court proceedings. Every change that occurs is applicable under our legislation because we are the administrators. However, the trustees still remain the federal government and they have the final obligation to ensure that we have an ability to live up to the agreements that are reached between the parties, whether they are aboriginal people or the Francophone-speaking community in the Northwest Territories. Or if individual rights expand, then we have to consider that in the administration of education programs and services in the Northwest Territories. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Whitford):

Thank you, Mr. Minister. Mr. Koe.

MR. KOE:

Mahsi, Mr. Chairman. The other issue that was raised earlier by my colleague from Yellowknife dealt with the language issue, specifically French, and Mr. Antoine raised the issue of aboriginal languages. Some of the documents leading up to this new act state that we're trying to make the act fit in line with the Canadian Charter and also with the new Northwest Territories Official Languages Act. We say in the preamble that students may receive their education in one of the official languages of the Northwest Territories Act. I believe we're trying to recognize language rights for aboriginal languages

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that would be similar to those provided for French and for English minorities.

There's some concern that maybe in the act that may not be fully achieved. When we get to the specific clauses, especially dealing with aboriginal languages, there seem to be restrictions on what can happen when we deal with aboriginal languages. I would like some comment from the Minister on this aspect of aboriginal languages.

CHAIRMAN (Mr. Whitford):

Thank you, Mr. Koe. Mr. Minister.

HON. RICHARD NERYSOO:

Everybody in this House has clearly indicated the need to recognize the official languages and to ensure that those students that want to receive educational programs and services in other than French and English certainly have the right to do so under this present legislation. In fact, it's more specific in some cases. In my view, I have to say to the honourable Member that I do not agree with his interpretation that it is restrictive. In fact, what is occurring is we are recognizing those rights that exist under the official languages legislation.

Not only that, we are now permitting the delivery of programs in aboriginal languages that we did not do previously. We, as a government and as an Assembly, permitting the district education authorities to make that determination. I have tried to encourage people to stay out of the daily business of the district educational authority and the divisional boards. It's no different here, I guess, that as we debate this issue, it seems that we want more restrictions rather than less. We're not intending to be restrictive, we're trying to be more permissive in the ability to use languages.

However, there has to be some basis for delivery of language programs. That is on the quality of the educator, the quality of the curriculum, the quality of the service and the quality of the facilities that are being used to offer the program. If none of those are factors then the arguments that the honourable Member raised in his opening statement about how we deal with quality programming, is not relevant. I agree with the honourable Member about quality and those are the quality standards and criteria that guide us in the ability of the aboriginal community to deliver those programs.

I think what we're trying to do is be permissive, but also set some specific standards and criteria which -- as the honourable Member has articulated quite clearly in this House -- need to be a part of the delivery of the services and programs. I agree with the honourable Member, it's not intended to be restrictive. In fact, we're trying to be as permissive as possible but there has to be some limitations on quality in terms of standards and criteria.

CHAIRMAN (Mr. Whitford):

Thank you, Mr. Minister. Mr. Koe.

MR. KOE:

Thank you. I fully appreciate the magnitude of the problems and the difficulty in dealing with aboriginal rights and treaty rights. I'm trying to get some definition, but these are concerns raised by people across the north and, as I've mentioned and other people have mentioned, they haven't been resolved. So I think it's incumbent to raise these and try to get some clarification as to what is happening so that people do understand and can hear publicly what these things mean.

The whole issue that the Minister raised is...and we'll deal with it when we get to clause 90. That is where we talk about dealing with languages, especially aboriginal languages and the district authority. That's where I meant there are limitations. The words "significant demand," "sufficient, fluent teachers" and "sufficient and suitable program materials." Those are the criteria used; if those things are all available, then we can do certain things. You can teach it. But those items are going to be determined by the department. So we don't teach aboriginal languages to teachers. If we don't provide access for them to get their certificates, then we don't have fluent instructors. Then who's to determine what fluent is? Again, we have to discuss these things.

What does it mean if we have sufficient and suitable program materials? Again, it's the department that has funded or is supposed to provide those materials. So on one hand, we're saying we can do it, but here are some criteria that we have to meet. It's up to the department to do those things in terms of the partnerships of other organizations. So it's a catch-22, sometimes.

I'm just raising these issues because these are issues that not only myself, but the people I represent want some clarification on. They're issues that have been brought up, as I mentioned, by people in a lot of communities. So I raise that and the Minister can respond if he wishes.

But the other point I want to raise is that the Minister stated that he will be consulting with the Federation Franco-Tenonaise in terms of the French language issue. Will the Minister also be consulting with the aboriginal organizations in terms of aboriginal language issues?

CHAIRMAN (Mr. Whitford):

Thank you, Mr. Koe. Mr. Minister.

HON. RICHARD NERYSOO:

Thank you, Mr. Chairman. Certainly, the recommendation allows for permissive consultations. If they're interested, we would gladly consult. But I do want to say this: that it is important that when you deal with aboriginal organizations, we have to deal with it in the context of ensuring that those organizations that represent the language groups are the ones consulted. Not just simply the territorial organizations, because there are language centres that are involved in this business, there are agreements -- which I know the honourable Member is aware of -- in three or four instances where there are educational/cultural institutes, including the Dene Cultural Institute, that are involved in this issue of cultural education. We also have language centres which are associated with language groups. So there are organizations that are involved.

But I do want to say this as well: we have teaching and learning centres that are developing program material. I don't want anyone to get the impression that somehow we don't have enough materials out in the regions. I can speak from my own regional experience, the Gwich'in Language Centre; in my view, I'm proud of those people for the amount of work that they've done in developing the language, helping in the development of curriculum. I'm proud of people like Mary Effie Snowshoe and people like Hannah Alexie who used to teach in the McPherson school, and I'm also proud of the teachers we're training today; not only the teachers, but the teachers

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who are specifically dealing with aboriginal language education. In other words, they're the language specialists.

I have to say that I don't want people to be left with the impression that somehow the department or this government or this Assembly has not done anything positive. We've done a lot of good things, but that doesn't mean we stop here. Our target for the year 2000 of 50 per cent aboriginal teachers, I think helps us address the issues the honourable Member has raised. I know I've had the support of the honourable Member, but we have to maintain always, as the honourable Member has said, certain standards and quality in the programs we offer. Part of that includes the development of materials in conjunction with the aboriginal language groups that are involved. I know the honourable Member has supported that on a number of occasions. Experience has taught us that we've done a good job. Obviously, we have a lot more to do but I think we've done quite a bit. In

education, nothing is ever perfect and everything needs to be improved. I take note of the comments of the honourable Member.

Clause By Clause

CHAIRMAN (Mr. Whitford):

Thank you, Mr. Minister. Any other comments? Clause 2.

SOME HON. MEMBERS:

Agreed.

---Agreed

CHAIRMAN (Mr. Whitford):

Thank you. Clause 3. Mr. Koe.

MR. KOE:

Just a question. Again, I know there is a lot of work to be done in the regulations, but I'm just trying to get clarification of the clauses. Clause 3.(2) talks about an agreement in prescribed form. I assume the prescribed form is going to be detailed in the regulations, or is there a form already available?

CHAIRMAN (Mr. Whitford):

Thank you, Mr. Koe. Mr. Minister.

HON. RICHARD NERYSOO:

Thank you. The word "prescribed" means within the regulations. Wherever that word is used, it is in regulations.

CHAIRMAN (Mr. Whitford):

Thank you, Mr. Minister. Clause 3.

SOME HON. MEMBERS:

Agreed.

---Agreed

CHAIRMAN (Mr. Whitford):

Thank you. Clause 4.

SOME HON. MEMBERS:

Agreed.

---Agreed

CHAIRMAN (Mr. Whitford):

Mr. Ningark.

Committee Motion 70-12(7): To Add A New Clause
4.1 To Bill 25

MR. NINGARK:

Thank you, Mr. Chairman. I have a motion on behalf of the Standing Committee on Legislation. I move that Bill 25 be amended the following after clause 4:

4.1 Schools shall provide an academic year containing a minimum of 190 days.

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

CHAIRMAN (Mr. Whitford):

Thank you, Mr. Ningark. The motion is being circulated and I'm just reviewing it to see if it's in order.

The motion is in order. It has been circulated. To the motion. Mr. Minister.

HON. RICHARD NERYSOO:

Thank you, Mr. Chairman. I have a bit of a problem with the amendment. I support the need to identify a standard time for students in the Northwest Territories to receive instruction in the educational program. However, you have to remember that an academic year based on days, rather than hours, would prevent some of the current, innovative practices in senior secondary education. For instance, we now have agreements with the colleges and students that students can attend college courses at night and on the weekend and receive credits for them. When the schools are being renovated, they need to be able to extend their hours or decrease them. They need that flexibility, but they also have to meet, of course, standard, set instructional hours.

We need standard hours and flexibility. Varying the length of the day even by 15 minutes substantially effects the length of the academic year. If the honourable Members would consider it, we are going to be proposing in section 126 -- which is the section expressing standards -- a motion on instructional hours which would provide a maximum for kindergarten, a minimum for grades 1 to 6 and a

minimum for grades 7 to 12, which is longer than in the current act of 190 days.

We would rather do it in that section, if the honourable Members would allow us the opportunity to do so.

CHAIRMAN (Mr. Whitford):

Thank you, Mr. Minister. To the motion. Mrs. Marie-Jewell.

MRS. MARIE-JEWELL:

Mr. Chairman, the concern I have about this minimum of 190 days is it doesn't explicitly state whether that includes the professional development days or not. It could be interpreted as possibly 185. Professional days could be interpreted as instructional days, and I would feel more comfortable if they could indicate whether this includes or does not include professional development days.

I believe now, Mr. Chairman, the requirement is 195 days which includes five professional development days. I find that clarity is of importance with respect to this clause. Thank you.

CHAIRMAN (Mr. Whitford):

Thank you, Mrs. Marie-Jewell. Mr. Minister.

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HON. RICHARD NERYSOO:

Mr. Chairman, it's really not my amendment, it's the amendment of the committee. Our recommendation would be that we amend section 126, with regard to the definition of hours of instruction. The honourable Member, I believe, is raising an issue of defining instructional days and that definition is not there. The flexibility of whether or not you want to increase the specific time or number of days in the year, depending on the instructional programming you want, couldn't be done by us, as a result. If we added the amendment in section 126, that could be done with the number of hours.

The other thing I raised previously is our programs are not based on days, they are based on the number of hours of instruction per subject. So, it's not easy for me to agree with this; that's all.

CHAIRMAN (Mr. Whitford):

Thank you, Mr. Minister. To the motion, Mrs. Marie-Jewell.

MRS. MARIE-JEWELL:

Mr. Chairman, I think one of the problems the committee had and why they developed this motion -- and I agree with it, I just find the clarity is not there about whether it includes professional development days or not -- is that if you're looking at instructional hours, then who is going to determine how many hours there will be per school day? Whose responsibility is that, and how is a register developed to reflect that? Is it the responsibility of the CEC? Is it the responsibility of the director of education through the divisional boards? Who determines how many hours? I think they wanted some assurance that we can give comfort to parents when they send their children to school that the number of instructional days is this amount: 190 days, in addition to five professional days. So that's the purpose of this clause. I agree with the intent of the clause, but I think the idea of just indicating so many hours is not giving comfort to the parents of the Northwest Territories, in sending their children to school, because it does not determine who is going to be responsible for monitoring those hours. Thank you.

CHAIRMAN (Mr. Whitford):

Thank you, Mrs. Marie-Jewell. Mr. Minister, would you be able to answer that? I do believe the amendment says "instructional days," and I think the question is whether or not the professional development days are included as instructional days. Mr. Minister.

HON. RICHARD NERYSOO:

This, Mr. Chairman, is really not my amendment. What I've tried to do is articulate our concern with regard to the whole matter of defining the length of an academic year, based on instructional days. I'll give you one example. In the secondary school courses, there's a requirement; for instance, 25 hours per credit. You need 125 hours of instruction for a five-credit course, it's not 125 days. So you have to look at it in that context. That's an indication of the concern I had. We were trying to come back with an amendment to ensure that that occurred, and we would want to do it in 126.

The other point is that there's no guarantee that an instructional day will be four hours. So, in that sense,

what we were trying to do is find a way to ensure that there were minimum hours set so that there was no confusion about it. Based on that, there was a suggestion to add more days or more hours; and we could do it very simply by addressing it through a quick amendment through the regulations. So that, Mr. Chairman, was my suggestion to the amendment that had been proposed by the committee. If we could agree to that, I would be proposing the appropriate amendment in 126, if I could get the approval of the committee. But you've introduced the motion already, and my recommendation would be not to agree to it as has been suggested.

CHAIRMAN (Mr. Whitford):

Thank you, Mr. Minister. To the motion. I think there was equal concern that hours would not be the answer, because forms and things were set up to deal with it in days. The chair recognizes Mr. Lewis. To the motion, Mr. Lewis.

MR. LEWIS:

This debate has been going on for some time now about the issue of the length of the school year, as it's sometimes called. It has led to all kinds of invidious comparisons between countries and provinces and states, as to the quality and the standard of education that exists in those jurisdictions. Some people have tried to make the correlation between the length of the school year and the achievements of the students. Japan, for example, which has a very long school year, a higher number of days, has a very high achievement rate among its students. So the public is led to believe that if you're in school for 230 days a year, then you're going to get a higher standard of education. I just use that as an example.

But there have been all kinds of debates in the professional educational journals taking one side or the other. This has led to this whole debate about how you can compare jurisdictions, because the argument is made that although an institution may be in operation for so many days, when you look at the number of hours, they are actually comparable. You're misled into believing that the days really make a difference.

I recognize that, from the very beginning, we have specified hours of instruction for different levels and so on, especially at the high school level where you're doing things for credit. But the reason the committee wanted to put something in the act which was demonstrable was it and would show the public that

this system is going to have children going to school for so many days in the year -- and it's a modest number compared with the numbers that you hear reported in the professional press -- that this is very modest number of days compared to jurisdictions that require children to go to school; in many cases, for more than 200 days in a year.

So I think that since we've made a commitment to comparable standards, then I think the obligation was that we put something in there to give some assurance to the public that this system will have children going to school for a minimum number of days so that you don't get this thrown at you; that our system is substandard, it's wide open; therefore, we continue to operate a substandard, inferior education system where kids don't have to go to school the same as they do everywhere else. It's much more up in the air, much more flexible and so on. Having something definite in the act seems to be one of the ways of at least assuring the public that our students do in fact have a minimum number of days when they would be going to school to get instruction.

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The general perception of the public is that over the last 30 years, for all kinds of reasons, the length of the school year has diminished. It's getting shorter and shorter and shorter. It has led to all this debate about the quality of education, standards, comparability of systems, and you want to avoid doing that as much as you possibly can.

I'm just wondering how 190 days would translate, since the department will have had some notion that this was coming; whether they've looked at the impact of having a minimum number. Could we do a smaller number than 190? Because we've been told already that in our system under the current act, we have kind of a flexible system where already schools are only doing 170. This is what we've been told. So is there some minimum number we could put in there so at least the public will know that in our system, we do have schools in operation in a way that will give the public some confidence that we're not too much different in the way we approach at least the exposure of children to the instructional program to what exists elsewhere in the country?

To be a little bit lighthearted, Mr. Chairman, I don't believe that we've ever considered paying teachers by the hour or by the minute. They're paid to work for a year, and they're paid over 12 months, I believe. And there is some expectation that they will be on duty for

so many days in the year. It's very hard to see from this act when anybody would be on duty, when any school would be in operation. So I would like to ask the Minister, through you, Mr. Chairman, because I'm out of touch -- I have to be a bit confessional here -- with the way in which we keep records now.

I know at one time, you had the school year and they would specify the particular days in which a school would be in operation; so that you would know that the legal obligation that a parent has to send their kids to that school is over that certain period of time. If it's 170 days, or longer, is there a way that that is specified in the register, so you know that the legal obligations are met by having that child go to that school on the days specified?

As I understand it, that's a legal requirement under this act. Compulsory education exists in this system and we have an obligation to do it because of all the commitments we've made to make sure that children are going to school in the important, formative years. So, for the benefit of Members, Mr. Chairman, I think it would be useful if we did get a response to the issue raised by Mrs. Marie-Jewell earlier on about how we're going to record all of this.

In each school, will there be different days in which kids have to go to school, and will that be spelled out ahead of time so that we all know that in this jurisdiction, or in a certain district, kids will be expected to be in school on certain days during the school calendar year? Thank you, Mr. Chairman.

CHAIRMAN (Mr. Whitford):

Thank you, Mr. Lewis. Mr. Minister, there's a question there about days. There was a lot of debate over the amount of time in a school year and the equivalent hours or days. If it were a fixed number of days, it would be easy to do, but if it is not a fixed number, a day could be two hours. On the other hand, if hours were being used, who would be keeping track of the hours? I think those were the issues that were confusing the situation during debate. Mr. Minister.

HON. RICHARD NERYSOO:

Thank you, Mr. Chairman. Just for the comfort of Members, we had this discussion in committee and we understood the concerns that were raised. When we get to clause 126, we will be more specific about responding to the issue of hours. I want to advise the honourable Member, who probably knows the process that existed previously, that the matter of

school calendars must be set and must meet standards. A certain number of hours will be translated into days to suit the jurisdiction or, for that matter, the hours.

Based on that, records are kept of instructional time for credit purposes. I think all of us should remain aware that the transferability between our high schools and post-secondary institutions -- universities, specifically -- is based on hours of instruction. In other words, they have to be satisfied with the hours of instruction. So, it's quite clear then, as a result of the number of hours a student spends on a particular course to reach a credit, success in a course is accredited accordingly.

The other point is, we set our elementary time also on hours. For instance: for issues like language of instruction, that would be 210 hours; another language, 90 hours; mathematics, 180 hours; science, 90 hours; social studies, 90 hours; physical education, 90 hours; practical arts, 60 hours; health, 60 hours; and, arts education, 60 hours. That is the basis upon which we make those calculations even now. That's the instruction that we give and the guidelines for time allocations for subjects from grade 1 to 9.

That was why we, Mr. Chairman...I raise the point that the way in which we are trying to amend this legislation could be done but it's the more awkward way of doing it. We could amend it in 126, that was proposing to provide an amendment for that particular purpose to address the concern that, I believe, is important for this Assembly to deal with. We're prepared to do it.

CHAIRMAN (Mr. Whitford):

Thank you, Mr. Minister. The chair recognizes the Member for Natilikmiot who's going to speak to it at this point. To the motion.

MR. NINGARK:

Thank you. To the motion, Mr. Chairman. Mr. Chairman, I believe the professional development days are not included in this particular motion, as it specifically states 190 instructional days. Who determines the number of school days in a specific given area? If the education body is a public denominational body, then I believe that body should determine it. If the body is a private educational body, then I believe that will determine that area. If the student is home schooling, then I believe that the

home will determine the number of days. That's my interpretation. Thank you.

CHAIRMAN (Mr. Whitford):

Thank you, Mr. Ningark. To the motion. Mrs. Marie-Jewell.

MRS. MARIE-JEWELL:

Mr. Chairman, I support the motion, taking into account the clarification by the mover. I will indicate to the Minister that I do have a problem with his attempt to amend section 126, under the role of the Minister, because it's my understanding that this authority will be delegated to the

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DEA and not as the responsibility of the Minister. They will determine the hours. What we're doing, I believe, is setting a framework for the number of instructional days which should be conducted. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Whitford):

Thank you, Mrs. Marie-Jewell. To the motion. Mr. Minister.

HON. RICHARD NERYSOO:

Mr. Chairman, the district education authority still has to receive the instruction on operations from the Minister in these particular areas. The calendars have to be approved. It would not take away from the authority but what it says is the board shall establish those hours of instruction.

I'm trying to be clear about this because the way in which we are trying to do this is not the acceptable way of transferring programs to universities or other institutions. That's the problem because it would be applicable throughout the system. It's not simply a matter of kindergarten to six or kindergarten to nine; 190 days would be a requirement through the whole system. Rather than allowing the boards, as well, to be flexible about the hours and the time, you're requiring them, without reviewing the regulations, to set specifically that time.

CHAIRMAN (Mr. Whitford):

Thank you, Mr. Minister. To the motion. Mr. Koe.

MR. KOE:

The dilemma we're in is the issue of powers and authorities between the Minister and the education authority. I would like to ask the mover, in terms of this particular motion, how did we come up with 190 instructional days? Why not 195 or 180? Why was 190 determined?

CHAIRMAN (Mr. Whitford):

Thank you, Mr. Koe. I don't know if it's a fair question to ask, but Mr. Ningark.

MR. NINGARK:

Thank you, Mr. Chairman. We are talking about a minimum of 190. If the given education board wanted to go beyond the minimum of 190 days, I think they are entirely welcome to do so. That's my understanding. Thank you.

CHAIRMAN (Mr. Whitford):

Thank you, Mr. Ningark. Mr. Minister, do you wish to assist us on that?

HON. RICHARD NERYSOO:

Thank you, Mr. Chairman. That is one of the problems with the amendment and the legislation, because if you set a specific time, then you can't allow a future regulation to amend the legislation. There's no flexibility in the ability of any board to add hours or, for that matter, the problem that you have is that, based on instructional days, the question is -- and I raised this point earlier -- what are instructional days, because there is no definition.

The present definitions that we are trying to use are such that they are related to ours. Because, for instance, if you have 190 instructional days, that would mean 190 instructional days for kindergarten. We don't have 190 days for kindergarten students. That would be a full day of school for all kindergarten students. That's an example.

CHAIRMAN (Mr. Whitford):

Thank you, Mr. Minister. I see this has taken on a whole life of its own. The chair recognizes Mr. Ballantyne.

MR. BALLANTYNE:

Thank you. It seems to me the dilemma here is twofold. One, we heard from people that they would like to see a fundamental number of days that should

be taught every year actually in the act, not left to regulation. But I see the Minister's dilemma is that, if you say it this way, it doesn't give flexibility to do what some of the boards said to us that they want to have longer hours in the winter and shorter hours in the spring, for instance.

Here's the problem, though. In order to achieve what the committee wants to achieve and also to achieve what the Minister wants to achieve, I think we have to figure out, if we want the equivalent of 190 days, how many hours per day are we talking about and then just do the calculation in hours. I don't have a problem if we do it that way.

What I will ask now is, what is the Minister's concept of the number of hours that should be in a day, and maybe we can then come to some agreement about the combination of the two of them.

CHAIRMAN (Mr. Whitford):

Thank you, Mr. Ballantyne. Mr. Minister.

HON. RICHARD NERYSOO:

Thank you, Mr. Chairman. For kindergarten, the maximum hours per day are three. I believe the midpoint is 5.25 hours for grades 1 to 6, and the midpoint is 5.5 for grades 7 to 12. In other words, it could go up.

CHAIRMAN (Mr. Whitford):

Thank you, Mr. Minister. Mr. Ballantyne.

MR. BALLANTYNE:

Okay, then. Basically, what the Minister is saying is that rather than say 190 instructional days, what you will say in section 126 is 190 times three, 190 times 5.25 and 190 times 5.5. Right?

Okay, so that is one issue. The other issue Mr. Koe brought up is a separate issue altogether. It is whether or not, in the legislation, we set the minimum hours or leave it up to the boards to set the minimum hours. That's a philosophical debate. What we thought in the standing committee and what we have heard around this House is that every school in the territories should have a basic minimum standard, and if any school board wants to go higher than that, it's up to them. But that we all, collectively, all of us, the rainbow coalition...

---Laughter

...would set that basic minimum standard. There was some consensus in the committee that we would do that. If there is agreement for that philosophical basis then I don't have a problem with what the Minister is saying, to put it into ours. Because then you have a basic minimum, but you leave to the school board the opportunity to have some flexibility in the number of hours in a day. Thank you.

CHAIRMAN (Mr. Whitford):

Thank you. I can hardly wait for Hansard tomorrow. Mr. Minister.

HON. RICHARD NERYSOO:

Mr. Chairman, just so it is clear, maybe what we need to do is give out a copy of the motion so that people can read what we had proposed at 126. It says, if you read it, yes, the Minister shall prescribe...its the suggestion

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that we're making and the hours accordingly. In other words, there are no questions about the limitations.

In the authority, then, in 117, on (s), "in accordance with regulations established and advise the Minister the hours for the academic year...." The academic year will, in fact, take into consideration that component. That's what we're trying to do.

CHAIRMAN (Mr. Whitford):

Thank you, Mr. Minister. To the motion. Mr. Koe.

MR. KOE:

I would like to get some clarification. In the proposed motion we're saying that there will be a minimum of 190 instructional days. What I heard the Minister say is that if we pass this motion then the standard is set; that the schools will have to or will use 190 as a standard. I believe I heard the Minister say, then, that to go above that there have to be changes to regulations or can they go...The question I'm asking is can they go above the 190 if we set a minimum? Can that be changed by the district or divisional authorities, or are we encasing it in cement here?

CHAIRMAN (Mr. Whitford):

Thank you, Mr. Koe. Mr. Minister.

HON. RICHARD NERYSOO:

All I can say is what this will obviously do in terms of the hours is be specific about the amount of instruction. I can also say though that it allows...The most flexible part is section 126, that is the most flexible to allow the discussion, but there will be specific hours that are set. There's nothing to suggest that there will be a limitation on adding additional time but it's all a matter of setting the calendar. Once those are combined then you can deal with the issue of the time that our children will be receiving instruction.

CHAIRMAN (Mr. Whitford):

Thank you. To the motion. Mr. Koe.

MR. KOE:

If that's the case, would it be advisable to put a range like a minimum of 190 and a maximum of 230, for example? Would that give the boards and education authorities flexibility?

CHAIRMAN (Mr. Whitford):

Thank you, Mr. Koe. Mr. Minister.

HON. RICHARD NERYSOO:

One question: how long is a day?

SOME HON. MEMBERS:

(Microphone turned off)

HON. RICHARD NERYSOO:

That's the dilemma that you have. We've been trying to propose this issue...I'll give you one example: a 45-hour on-the-land program could be five days based on the suggestion you made. On the other hand, it could be eight days if you took it on a five-hour program. If you did it on a four, it could be ten days. That's what we are saying and that's the dilemma you have in the way we are trying to propose it.

I am trying to accommodate the recommendation of the committee by doing it in 126 to be more flexible. That's what I am trying to do.

CHAIRMAN (Mr. Whitford):

Thank you, Mr. Minister. To the motion. Mr. Koe.

MR. KOE:

I need a little more clarification then. Who is responsible to set the number of instructional days in a year?

CHAIRMAN (Mr. Whitford):

Thank you, Mr. Koe. Mr. Minister.

HON. RICHARD NERYSOO:

Without any amendments, the Minister sets the instructional time. The DEA responds to those hours set by establishing their calendar.

CHAIRMAN (Mr. Whitford):

Thank you, Mr. Minister. Mr. Koe.

MR. KOE:

Mixing days and hours in here -- and I am trying to deal with the motion on the day, not the number of hours -- who is responsible to set the number of instructional days? I heard the Minister say he is. Who is responsible, then, to determine the number of instructional hours that make up an instructional day? Is it the Minister or the education authority?

CHAIRMAN (Mr. Whitford):

Thank you, Mr. Koe. Mr. Minister.

HON. RICHARD NERYSOO:

Thank you. The Minister sets the standards. The DEA sets the calendar.

CHAIRMAN (Mr. Whitford):

Thank you, Mr. Minister. To the motion. Mr. Koe.

MR. KOE:

The calendar...Does that mean the hours? I am just trying to determine where hours come in and who is responsible to set the hours in a day. My colleague on my right said before that for kindergarten, it's three hours a day, or it could be two hours a day. Who determines whether it's two hours a day or three hours a day, or two hours and fifteen minutes? Who is responsible to make that decision?

CHAIRMAN (Mr. Whitford):

Thank you, Mr. Koe. Mr. Minister.

HON. RICHARD NERYSOO:

Let's start, Mr. Chairman, from the beginning.

---Laughter

The motion on the floor says 190 days. The problem with it -- and we have been trying to explain this before -- is with the way the system works. Even in credit courses, they do not consider days; they consider hours. We also set, for our kindergarten, right now, a maximum of three hours of instruction, and a midpoint of 5.25 and a 5.5.

The calendar that the school sets is based on the actual days in which instruction will be offered, the holidays, when school opens, when school closes, when it ends and when it begins in terms of the day. That's what happens now. Those are work days. Those are work calendar days. It's not simply a matter of a day. That's what happens. That's why it's complex in terms of trying to do this, because instructional time is different than this is in trying to address the matter of the calendar days. What you are dealing with is trying to deal with the instructional time. That's a problem.

CHAIRMAN (Mr. Whitford):

Thank you, Mr. Minister. To the motion. Mr. Koe.

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MR. KOE:

The more it's explained, the more confusing it gets. So I would like to move that we report progress to sleep on it and think about this.

CHAIRMAN (Mr. Whitford):

Thank you. We have a motion on the floor to report progress. It's not debatable. The motion is in order. To the motion.

AN HON. MEMBER:

Question.

CHAIRMAN (Mr. Whitford):

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

---Carried

I will rise and report to the Speaker. I would like to take this opportunity to thank the Minister and his staff

for appearing before the committee. We look forward to seeing you again tomorrow.

MR. SPEAKER:

The House will come back to order. We are on item 20, report of committee of the whole. Mr. Whitford.

ITEM 20: REPORT OF COMMITTEE OF THE WHOLE

CHAIRMAN (Mr. Whitford):

Thank you, Mr. Speaker. Your committee has been considering Bill 25, and would like to report progress with three motions being adopted. Mr. Speaker, I move that the report of committee of the whole be concurred with.

MR. SPEAKER:

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

AN HON. MEMBER:

Question.

MR. SPEAKER:

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

---Carried

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

ITEM 22: ORDERS OF THE DAY

CLERK OF THE HOUSE (Mr. Hamilton):

Mr. Speaker, there will be a meeting of the Ordinary Members' Caucus at 9:00 am tomorrow morning.

Orders of the day for Friday, June 16, 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
 - Motion 22-12(7), Appearance of Western NWT Aboriginal Leaders in Committee of the Whole
17. First Reading of Bills
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 34, Supplementary Appropriation Act, No. 1, 1995-96
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 Friday, June 16, 1995 at 10:00 am.

--ADJOURNMENT