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The Honourable Tony Whitford, Speaker

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YELLOWKNIFE, NORTHWEST TERRITORIES**Tuesday, October 23, 2001****Members Present**

Honourable Roger Allen, Honourable Jim Antoine, Mr. Bell, Mr. Braden, Mr. Delorey, Mr. Dent, Honourable Jane Groenewegen, Honourable Joe Handley, Honourable Stephen Kakfwi, Mr. Krutko, Mr. Lafferty, Ms. Lee, Mr. McLeod, Mr. Miltenberger, Mr. Nitah, Honourable Jake Ootes, Mr. Roland, Honourable Vince Steen, Honourable Tony Whitford.

ITEM 1: PRAYER

-- Prayer

SPEAKER (Hon. Tony Whitford): Please be seated. Thank you, Mr. Nitah. Good afternoon, friends. I would like to take this opportunity to welcome you back, colleagues, from a very busy summer. The world has indeed changed since we last met, and it is the hopes and the prayers of this Assembly that the world crisis will soon resolve itself.

I wish to advise the House that I have received the following message from the Commissioner of the Northwest Territories.

Dear Mr. Speaker,

I wish to advise that I recommend to the Legislative Assembly of the Northwest Territories the passage of the Supplementary Appropriations Act No. 3, 2000-2001 during the Fourth Session of the 14th Legislative Assembly.

Yours truly,

Glenna F. Hansen

Commissioner

I also wish to inform the House that I have received the Commissioner of the Northwest Territories' declaration whereby she gave assent to Bill 2, An Act to Amend the Income Tax Act of September 25th, 2001. At the appropriate time today I will table the Commissioner's declaration of assent. Item 2, Ministers' statements. The honourable Premier, Mr. Kakfwi.

ITEM 2: MINISTERS' STATEMENTS**Minister's Statement 30-14(4): Sessional Statement**

HON. STEPHEN KAKFWI: Mr. Speaker, today as we gather again as an Assembly, I would like to extend my deepest condolences, on behalf of all Members of the Legislative Assembly, to the families and friends of those killed in the plane crash near Fort Liard one week ago.

We are all too familiar with the human price that our northern environment can exact. We each share in the sense of loss that exists today in the Deh Cho. I am confident that the people of Fort Liard will come together in the wake of the tragedy that has hit their community.

It is our nature as northern people to unite to face challenges. It is something that I would call on each Member of this Assembly

to do today as we prepare to address the future of our Territory and our people.

It is almost two years since we first came together as an Assembly and then presented to the people of the Northwest Territories our vision of a better tomorrow. Our vision reflects the common belief that each and every Member of this Assembly that Northerners must benefit from economic and social development in their regions and that we will pursue this development in the interest of the people we represent.

Two things have happened recently that impact on our agenda. First, the tragic events and consequences of the terrorist attacks on the U.S. have touched all of our lives. The events of September 11th have and will continue to have a profound affect on the way we live even in our remote northern communities. Tougher airport security measures are an example.

Last week in Ottawa, I met with United States Ambassador Cellucci and conveyed to him the sentiments and support of all Northwest Territories residents in the aftermath of the New York City and Washington attacks.

Secondly, we are experiencing an economic downturn which, with few exceptions, is beginning to impact most of Canada, including the Northwest Territories.

Now more than ever we as an Assembly must stand united in our purpose and not lose sight of our collective vision. I urge all Members to stay the course and complete the agenda that we have laid out together.

This tragedy has significantly altered the federal government's agenda because it must now take into account the increased focus and spending on national security measures and international defence obligations.

Last week, I also met with a number of federal Ministers, urging them to ensure that Northwest Territories and aboriginal issues continue to be part of the federal government's national agenda. I was assured that opportunities presented by the Northwest Territories are still on the federal government's agenda. This should be a source of great encouragement for us all.

Coupled with this assurance, there are a number of positive developments that are worth noting:

- Despite recent developments, the Northwest Territories economy has remained strong, primarily because of gas exploration and diamond mine development.
- On October 15th, the Mackenzie Delta Producers Group signed the Aboriginal Pipeline Group's Memorandum of Understanding, giving aboriginal equity in a pipeline the

legitimacy it needs to move forward. Through the MOU, the APG is now well positioned to work with Mackenzie Delta Producers in advancing Northwest Territories aboriginal interests in a proposed pipeline project. This partnership is especially representative of many that have been developed between southern industries and Northwest Territories aboriginal development corporations and businesses.

- The diamond mine industry has begun to pay royalties to Ottawa. These payments will only increase in future years, highlighting the need for a resource revenue sharing and devolution agreement. Negotiations are set to begin in the new year.
- A Beaufort-Delta Self-Government Agreement-in-Principle is another concrete achievement. Aboriginal self-government has been a priority of this House for the last three decades. The process of change can formally begin in this region.

As we begin this session today, Mr. Speaker, it is important that we know where we stand. Existing gas exploration commitments totalling close to one billion dollars, continued investment in Diavik and investment in a third diamond mine are good signs of strong economic growth for the Northwest Territories.

However, our fiscal situation has changed in the past few months and will face further challenges.

We expect that Ottawa's spending priorities will address security and defence considerations, resulting in less investment dollars for the Northwest Territories.

Within the next decade, the Northwest Territories will be paying more into federal coffers than it receives, yet in the short term, the new federal focus may mean fewer dollars for the Northwest Territories. Mr. Handley will be providing you with a more detailed account of our changing fiscal situation shortly.

Meanwhile, our political environment has become charged in recent months by the government's highway investment plan. It has been a long time since one issue has captured the attention of so many Northwest Territories residents. Mr. Speaker, I look forward to receiving the standing committee's report and to a productive debate on the options available to us and the consequences of these options, particularly for consumers, business and industry.

In light of all of the national and international development and uncertainty, we as a government must decide how to proceed over the remainder of our mandate.

Obviously, our response to these challenges must always be guided by our goals as set out in [Towards a Better Tomorrow](#) and we should not react without good information. We should have a better idea of how these internal and external factors will impact our Territory and how we should adapt our strategies and actions by the time our next budget is presented in February 2002. It is important for us to stay the course and to ensure that on those agenda initiatives which require immediate attention and over which we have jurisdiction, we make the decisions in support of our vision.

One of these initiatives, with significant revenue and infrastructure implications, is the highway investment plan. The basis of this plan is investment now to provide returns for NWT consumers who want better and safer roads, for NWT businesses which will benefit directly and indirectly from a modern highway system, and for industry, including that based in the NWT, which will profit from the development of our northern resources.

Mr. Speaker, as a key element in our vision of a better tomorrow, the government is advocating that this House supports the highway investment plan.

There are also a number of other investment measures that will advance our collective agenda and which need the support of Members. Members will be asked to pass a bill to approve expenditures for the development of an NWT energy strategy, the completion of our social agenda framework, furthering the work of the Intergovernmental Forum in resource revenue sharing and devolution. Much of this investment will flow to aboriginal governments, community consultations and the non-government sector.

As we return to work in this House, Mr. Speaker, it is imperative that we consider what needs to be done to complete our mandate. I indicated to my colleagues at the start of the recent business plan review process that the next 18 months will require the commitment and joint action of both the government and the Assembly.

My Cabinet colleagues and I will continue to share information and be available to discuss issues with individual Members, committees and the public -- but we must do more than that. I am pleased to note, Mr. Speaker, that House Leader Joe Handley and Caucus chairs Bill Braden and Steve Nitah are working to develop a legislative priorities package. I am also pleased that we are planning to meet as a Caucus to discuss priorities for the remainder of our term. I have asked Mr. Handley to work with Mr. Braden and Mr. Nitah to provide options for us all to consider at that meeting.

Mr. Speaker, we have some difficult issues to resolve during this session. Some of these decisions will be difficult and may not be popular but are necessary if we are to fulfil our vision of a better tomorrow for all people in the NWT.

Whatever the solution, Members have our assurances that the focus of this government is to work with all Members of this House to lay the foundation for the next two years and to complete the agenda we began together -- our joint vision of a better tomorrow for our people. Mahsi cho.

MR. SPEAKER: Thank you, Mr. Kakfwi. Item 2, Ministers' statements. The honourable Minister responsible for the Department of Finance, Mr. Handley.

Minister's Statement 31-14(4): Fiscal Update

HON. JOE HANDLEY: Thank you, Mr. Speaker. Mr. Speaker, in my budget address in February of this year, I outlined the fiscal strategy of this government. This strategy called for the government to make the critical investments that would ensure that NWT residents benefited from resource development.

At the time this decision was made, we recognized that without access to royalties and other resource revenues, the

government did not have enough money to make all of the investments needed. But with the belief that we could negotiate a resource revenue sharing deal with the aboriginal and federal governments, we decided we would make as many investments as we could to implement the strategies and direction of Towards a Better Tomorrow. We were prepared to make these investments even if we had to go into debt.

However, the amount of debt we were prepared to incur was limited. It was limited by the fact that we have a federally imposed borrowing limit that has often been referred to as our debt wall. It was also limited by the fact that we would need new sources of revenue to pay back this debt. If we had to pay it back from existing revenues then that would mean cutting programs and services and we were not prepared to do that.

To ensure we could pay back the debt we needed to keep our new investments modest, we needed to push hard for a resource revenue sharing deal and we needed to determine if some of the debt could be paid for by other means, such as the proposed highway toll. All of these measures were critical to our fiscal strategy and the related investment and spending plans. These plans anticipated new revenues but also involved borrowing over \$200 million additional by the end of our term.

Mr. Speaker, at the time we launched this fiscal strategy in February, I presented a balanced operational budget, calling for a small \$2 million surplus. Our borrowing for 2001-02 was primarily to finance our capital investments. Since then, we have had both good and bad economic news.

The good news has taken the form of the resolution of an outstanding formula financing issue with the federal government and the potential, once again, of being the beneficiary of a large, one-time corporate tax payment in the Northwest Territories. These two events have resulted in a one-time increase in our revenues of over \$100 million spread between last fiscal year and the current year. Later today, I will be tabling the unaudited interim accounts for last year.

The bad news has been the recent world and national economic slowdown, which has been worsened by the events of September 11th. Added to this has been slower than anticipated Northwest Territories population growth, temporarily lower natural gas prices, softer international demand for finished diamonds and reductions in tourism. Although the government is still confident that the Northwest Territories' economy will develop and expand dramatically over the next few years, we may have to be more patient than we thought. This means we will have to be fiscally cautious while we closely monitor world events and economic markets over the next year.

The one-time revenues that we recently received will afford us some breathing space while we reassess our fiscal strategy in light of these world events. Instead of having to go into immediate debt to finance our capital programs, we can draw on this one-time revenue and avoid the \$75 million cash deficit we had forecast for the 2001-02 fiscal year. This revenue will also reduce the more than \$200 million of borrowing we had planned over the next few years as we moved forward with our spending and investment plans.

Continuing with these plans is critical to our ability to benefit from and cope with resource development, as well as achieve other priorities, such as helping Northwest Territories residents deal with the northern cost of living. Initiatives like the recent increases to the Northwest Territories cost of living tax credit

and income support rates, and the tax reform recommendations we anticipate from the committee reviewing our personal tax system, are examples of the types of changes we must still pursue.

In the longer term, our fiscal health is still very dependent on oil and gas development proceeding and on completing a fair deal on resource revenue sharing. Without these economic gains, we still continue to be reliant on a financing agreement with Canada for the majority of our money and it looks like future formula financing agreement revenues will be lower than anticipated due to the national economic slowdown and slow population growth. In the past few months alone, the forecast revenue yield from our formula agreement over the current and next three years has declined by over \$100 million.

As the Premier just advised in his sessional statement, our efforts to secure federal investment in the Northwest Territories must now compete with new national security and defence priorities.

Mr. Speaker, this does not mean the government will abandon its current fiscal strategy or shy away from continuing to make critical investments. It does mean we will have to keep the level of these investments affordable and constantly review how we are going to ultimately pay for them. It also means we have to continue to look at our own ability to pay for the investments we want made. This may mean investing less aggressively than we originally planned but investing nevertheless.

It is my hope world events and markets stabilize over the next few months so that I can bring you more clarity in the February budget session. Along with my provincial and territorial colleagues, I will be meeting with the federal finance Minister this coming weekend. After that meeting, I hope to have a better understanding of the national economic picture and of how governments across Canada anticipate responding to the new situation. In the meantime, we should stay the course, avoid unnecessary debt and monitor events around us vigilantly. Thank you, Mr. Speaker.

-- Applause

MR. SPEAKER: Thank you, Minister Handley. Item 2, Ministers' statements. Item 3, Members' statements. The honourable Member for Frame Lake, Mr. Dent.

MR. DENT: Thank you, Mr. Speaker. I have a motion to refer the two Ministers' statements to committee of the whole. Mr. Speaker,

I MOVE, seconded by the honourable Member for Inuvik Boot Lake, that Minister's Statement 30-14(4), titled Sessional Statement, and Minister's Statement 31-14(4), titled Fiscal Update, be moved into committee of the whole. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Mr. Dent. We have a motion. The motion is in order. To the motion. Question has been called. The House is ready for question. All those in favour, please signify. Thank you. All those opposed? The motion is carried. Item 3, Members' statements. The honourable Member for Great Slave, Mr. Braden.

ITEM 3: MEMBERS' STATEMENTS

Member's Statement on Aftermath of the September 11th Terrorist Attacks

MR. BRADEN: Thank you, Mr. Speaker. Mr. Speaker, as you and the Premier and the honourable Minister for Finance reflected, Tuesday, September 11th was the day the world changed forever with the disasters in New York and Washington. In the past few days, the insidious terror of the spread of biological weapons -- our seemingly orderly world has been shaken to its core. The global village has become much more closely connected. World leaders have united in their condemnation of terrorism.

Mr. Speaker, our part of the world is often removed, if not immune, from adverse world affects, but this was not the case on September 11th. Gwich'in Tribal Council representatives, including our colleague, Mr. Krutko, the Member for Mackenzie Delta, sought shelter in the Canadian embassy in Washington after the attacks. Here in Yellowknife, a Seattle-bound Boeing 777 jet with 144 passengers was diverted. Air travel across the world was shut down. Small northern airline operators were left scrambling to comply with regulations. Air travel resumed several days later with new security measures and all the complexities of a post-September 11th life.

Our city, Mr. Speaker, the Department of Health and Social Services, businesses, individuals and other groups extended tremendous hospitality to our unexpected visitors. It was indeed a time to come together.

A Sir John Franklin High School graduate, Nancy MacNeil, a young woman, organized a special memorial at City Hall to enable Yellowknifers to show their sympathy. Flags flew at half-mast, a national day of mourning was declared and a book of condolences was signed by many here in the Great Hall.

Here in Yellowknife, Mr. Speaker, we responded with remarkable generosity as the Yellowknife Fire Department and local businesses, reaching out to victims and their families, raised over \$30,000. We are not stopping there as we just heard of plans for local musicians putting together a benefit for the refugees from Afghanistan.

It is distressing, Mr. Speaker, that in Canada and the North, followers of Islam have been targeted as a result of terrorist activities. We must not act out of ignorance and fear. We must remain a caring and tolerant society that respects the fundamental freedoms of people around the world. Thank you, Mr. Speaker.

-- Applause

MR. SPEAKER: Thank you, Mr. Braden. Item 3, Members' statements. The honourable Member for Mackenzie Delta, Mr. Krutko.

Member's Statement on National Suicide Prevention Award Recipient Hazel Nerysoo

MR. KRUTKO: Thank you, Mr. Speaker. Welcome back, colleagues. Mr. Speaker, I would like to take this time to recognize Hazel Nerysoo for the outstanding achievement and contributions she has made to suicide prevention for people in the Mackenzie Delta and elsewhere in the Northwest Territories.

She has been chosen and will be recognized in St. John's, Newfoundland, October 26th, where she will be presented with a national service award by the Canadian Association for Suicide Prevention.

Ms. Nerysoo lost her brother to suicide and is determined to provide help to others. She is a key person to assist when crisis situations occur in our communities and in our regions.

Ms. Nerysoo is committed to working with our communities and sits on boards, the Gwich'in Tribal Council, youth committees, and the T'loondih Healing Society and a lot of other boards and agencies.

She is well-known for her work as a suicide prevention worker and has raised the issue with regard to FAS/FAE and the work that is needed to improve the lives of all of our children.

She has traveled extensively throughout all of the small communities and she has always volunteered her time freely for the love of her people and the children in the community that she has served.

I would like to congratulate Hazel and her continued efforts. We deeply appreciate what she has done and the achievement that has been bestowed upon us with a national award for one of our own. Thank you, Mr. Speaker.

-- Applause

MR. SPEAKER: Thank you, Mr. Krutko. Item 3, Members' statements. The honourable Member for Tu Nedhe, Mr. Nitah.

Member's Statement on First Territorial Official Languages Assembly

MR. NITAH: Mahsi, Mr. Speaker. Mr. Speaker, I am pleased to announce that yesterday, the Special Committee on the Review of the Official Languages Act held its first of two Territorial Languages Assemblies. The main objective of the first assembly was to officially kick off the review of the Official Languages Act and to consult with delegates as to how the consultation process should take place.

As you know, Mr. Speaker, the special committee was created to address the requirements for the mandatory review of the Official Languages Act after ten years of operation and to provide recommendations to the Legislative Assembly.

Mr. Speaker, over 60 representatives from each of the language communities attended our assembly. This diverse and knowledgeable group of Northerners confirm our belief that an open and public consultation process is essential for the comprehensive review of the Official Languages Act of the Northwest Territories.

This review is the first ever undertaken and will consider all aspects of the act's provisions and implementation.

Mr. Speaker, delegates expressed very clearly their interest in this review and they supported our commitment to having the amendments to the Official Languages Act introduced within the term of this Assembly.

Yesterday, Mr. Speaker, in addition to hearing their thoughts and concerns, the delegates had an opportunity to receive information regarding languages in the Northwest Territories, in

Canada and around the world. As well, delegates had the opportunity to comment on the consultation process that we presented to them.

Throughout the afternoon workshop, delegates were able to express their issues and concerns and raise questions regarding the Official Languages Act. Mr. Speaker, members of the special committee recognize the value of elders in relation to their aboriginal languages. The first Territorial Languages Assembly was an important first step for learning from them. Our elders represent the cornerstone of traditional education and we value their input and expertise immensely. Throughout the review, they will be accorded the proper and fitting opportunities to pass on their wisdom.

During the next few months, Mr. Speaker, the members of the special committee will begin visiting the communities to consult language groups across the North. Yesterday, delegates at the first Territorial Languages Assembly agreed with our suggestions regarding the consultation process and beginning next March, we will hold public hearings to ensure that everyone has an opportunity to...

MR. SPEAKER: Mr. Nitah, your time for your Member's statement has expired.

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

MR. SPEAKER: Thank you, Mr. Nitah. The honourable Member is seeking unanimous consent to conclude his statement. Are there any nays? There are no nays, Mr. Nitah, you may conclude your statement.

MR. NITAH: Mahsi cho, Mr. Speaker. As well, Mr. Speaker, in June of next year, we hope to publish an interim report outlining the issues and concerns raised in these consultations. The following September, we are planning to hold our second Territorial Languages Assembly to consult further with representatives from each language community to finalize our report and recommendations for amendments to the Official Languages Act.

Mr. Speaker, language is vital for maintaining the cultural diversity and way of life in the North, and the special committee is committed to ensuring that this spirit and intent of the Official Languages Act addresses the needs of all Northerners.

Mr. Speaker, it is time to act. Thank you.

-- Applause

MR. SPEAKER: Mahsi, Mr. Nitah. Item 3, Members' statements. The honourable Member for Hay River North, Mr. Delorey.

Member's Statement on Recently Deceased Hay River Residents

MR. DELOREY: Thank you, Mr. Speaker. Mr. Speaker, let me begin by saying how pleased I am to be back in this wonderful Chamber with yourself and all our colleagues to continue what I hope will be a very productive session.

Mr. Speaker, I am confident that all of my colleagues on both sides of the House will agree when I say that we have all been extremely busy over the last few months attending to legislative

business, whether it be in support of our aboriginal people and their aspirations for land claims and self-government, selling our Territory to the world as a tourist haven, convincing big corporations that the North is a good place to come and do business, and I must not forget, Mr. Speaker, our attempts to find new sources of revenue for our deteriorating infrastructures.

However, Mr. Speaker, we must never get too busy in the day-to-day bustle of everyday living that we do not take time to reflect on our lives and what is important to us.

Mr. Speaker, the tragic events of September 11th, the recent drowning right here in Yellowknife and the tragedy in Fort Liard serve as a stunning reminder that we must all take some time in our lives to tell our families that we love them and that we cherish every moment that we spend with them.

Mr. Speaker, far too often we put off visiting old friends and acquaintances because we are too busy and far too often when we do find time, it is too late.

Mr. Speaker, at this time, I would like to recognize a number of long-term Hay River residents who have passed away over the last while. These people were all constituents of mine and some were personal friends. At this time, Mr. Speaker, I would like to acknowledge the passing of Sarah Bond, George Edward Gray, Harold Hudson, Lois McCallum, Joyce Patterson-Robertson, Sarah Sibbeston and Ernest Joseph Villebrun.

Mr. Speaker, I would like to take this opportunity to let these people's families know that my thoughts and prayers are with them and that they have my utmost sympathy. Thank you, Mr. Speaker.

-- Applause

MR. SPEAKER: Thank you, Mr. Delorey. Item 3, Members' statements. The honourable Member for Deh Cho, Mr. McLeod.

Member's Statement on Tragedy in Fort Liard

MR. MCLEOD: Thank you, Mr. Speaker. Mr. Speaker, yesterday I attended the funerals of Daniel Lomen and Sally Bertrand in Fort Liard. I want to make some comments on the tragedy that recently occurred in that community.

Mr. Speaker, an airplane crash took place on the approach to Fort Liard on the evening of October 15th. This crash has led to the passing of three of its passengers and serious injuries to three of the other occupants of the plane. I want to take this opportunity to pass on my condolences to the relatives of respected elder Daniel Lomen; Sally Bertrand, the manager of Acho Dene Koe; as well as Mr. Sean Toner, all whom have passed away as a result of this plane crash.

I also want to pass on my well wishes to the passengers that survived this crash and to their families. I am sure that the love and concern of the families of those injured, along with the medical attention they are receiving, will combine to ensure as speedy a recovery as is possible in the circumstances.

Mr. Speaker, although this sad event did not take place in my constituency, Fort Liard is part of the Deh Cho region, of which my riding is a part of. This tragedy has deeply affected many,

many residents of the Deh Cho region, many of whom are related to or who were friends or associates of those involved in the accident. The shock and sorrow felt by the whole Deh Cho region was reflected by the leadership of the Deh Cho First Nations, who cancelled an important political meeting last week in Fort Providence as the news of the accident became known.

Mr. Speaker, it is at times like this that we all realize what is truly important in our daily lives. It is the warmth and companionship of those dear to us that ultimately brings meaning to our lives. My thoughts and my prayers go to all affected by the tragedy of October 15th in Fort Liard. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Mr. McLeod. Item 3, Members' statements. The honourable Member for Nahendeh, Mr. Antoine.

Member's Statement on Tragedy in Fort Liard

HON. JIM ANTOINE: Mahsi, Mr. Speaker. Mr. Speaker, I rise today to also speak about the tragic accident that occurred on the evening of Monday, October 15th, near Fort Liard.

Mr. Speaker, the plane crash occurred upon this plane returning from Yellowknife. The people on board were the official representatives of the Acho Dene Band Council at Fort Liard. They were on official business representing their community at a signing of an MOU between the Aboriginal Peoples Pipeline Group and the Delta Gas Producers Group.

Mr. Speaker, respected elder, former chief and councillor, and a friend of mine, Daniel Lomen, 61 years old, passed away in this crash.

I remember Mr. Lomen back in the early 70's when I was involved in the Dene Nation and in the creation of the Dene Nation. He was one of the founding chiefs of this Dene Nation. He has been involved in the service to his people since that time, over 30 years. He has always been committed in supporting the economic development and training of his people. His support at the signing was an indication that he still supported this initiative.

Band Manager Sally Bertrand was only 33 years old. She was band manger for nine years. Being in my constituency, every time I called the band office, she was there to answer in her cheerful and laughing voice. She leaves behind her husband Eric and three young children. It is a sad loss to the community, as a mother, as a father, as a representative and worker for the band council.

I would like to express my sincere sympathy and condolences to Daniel's wife and children, and Sally's husband, Eric Bertrand, and Sally's parents, Corrine Timbre and Sam Timbre, as well as my condolences to Kim Deneron, the fiancée of Sean Toner, and one of the persons that was on board that was seriously injured. I would like to say that Kim is recovering in the hospital in Edmonton after having a head injury and a broken leg.

It is a miracle that Stanley Bertrand, the elder that was also on board, survived the crash. He has a lot of bumps and bruises but he is back in his community as of yesterday. It is good that

we have some good news out of this tragic event. Thank you, Mr. Speaker.

MR. SPEAKER: Mahsi, Mr. Antoine. Indeed, the condolences of the House do go to the families of that tragedy. Item 3, Members' statements. The honourable Member for North Slave, Mr. Lafferty.

Member's Statement on Highway No. 3 Maintenance Priorities

MR. LAFFERTY: Thank you, Mr. Speaker. I would like to bring your attention today to the issue of Highway No. 3 maintenance priorities. If you have ever met someone who is new to the North and has just come into town after driving Highway No. 3, they are easily identified. They are the ones with the bulging eyes and sweaty palms.

Mr. Speaker, our road to Rae has a reputation as one of the most dangerous road sections in the Northwest Territories. However, when there is a snowstorm, all the heavy equipment is in the City of Yellowknife or on the Ingraham Trail. I believe we are putting people's lives at risk here. Since last week, since the first storm, two of my constituents have had accidents on Highway No. 3, both rollovers.

Mr. Speaker, the Minister of Transportation promised that Highway No. 3 would be a priority. I still do not see that. I will have questions for the Minister at the appropriate time. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Mr. Lafferty. Item 3, Members' statements. The honourable Member for Thebacha, Mr. Miltenberger.

Member's Statement on Road Through the Wood Buffalo National Park

MR. MILTENBERGER: Thank you, Mr. Speaker. Mr. Speaker, for over 30 years the people of Fort Smith have had as a dream another southern access through the Wood Buffalo National Park down to Garden River and Vermilion and south.

Mr. Speaker, recently, thanks to the hard work and the understanding of Minister Copps, the federal government and our MP Ethel Blondin, and the hard work of the Thebacha Road Society and Mayor Martselos, approvals were received from Parks Canada for the road right of way and to begin construction. Unfortunately, as tends to occur in these kinds of situations, there was a court challenge by the Canadian Parks and Wilderness Society. It was to the good fortune of the road society and the people of Fort Smith that the court ruled in favour of the Thebacha Road Society and Minister Copps, that they had made the right decision, they had done all the things necessary so that the road should proceed.

Mr. Speaker, there is one more legal hurdle to be surmounted. Hopefully that will be done this week, after which there are people trained and ready in Fort Smith and in Garden River to begin the brushing. There are the temporary bailey bridges ready, and hopefully this winter we will have, after 30 some years, a road through the park, at least on a temporary winter basis.

I would like to commend all the people for their perseverance, hard work and dedication on this issue. It has been a very

frustrating and slow process. The wheels of government grind slow and fine and in this case, this proved to be true yet again.

Mr. Speaker, once this road is through, then we as a community will be able to turn our attention to other valuable links that need development. Those are our links to Fort Chipewyan and Fort McMurray. This is going to be a good news story for this winter. There has been a lot of work done and many people deserve credit. Soon, the dream will come true. Thank you, Mr. Speaker.

-- Applause

MR. SPEAKER: Thank you, Mr. Miltenberger. Item 3, Members' statements. The honourable Member for Range Lake, Ms. Lee.

Member's Statement on Governor General's Award Recipient Lynda Sorensen

MS. LEE: Thank you, Mr. Speaker. Mr. Speaker, I would like to take this opportunity to recognize and congratulate one of my Range Lake constituents and a well-known personality within this Legislature, Ms. Lynda Sorensen, who was honoured by the Governor General on October 18th as one of five women in Canada to receive the 2001 Persons Case Award.

Mr. Speaker, today, with the equal rights of women enshrined in the constitution, it is difficult for us to fathom a time in Canadian history when our Supreme Court ruled that women were not to be included in the word "persons" for appointment to Senate. It took five determined women to take the case to the judicial committee of the Privy Council in order to obtain the self-evident judgment that women were indeed persons with all the rights and privileges under the law.

Named after this decision known as the Persons Case, with this award we celebrate not only the right of women to serve in Senate but the enormous contribution women make in all aspects of our nations work. For us in the North, Mr. Speaker, the Governor General has recognized Ms. Sorensen's contribution through her 25 years of distinguished public service, as the director of nursing at Stanton Hospital, a consumer advocate, the first woman MLA from Yellowknife and a tireless worker at every political campaign at all levels since the mid-70's.

From the time I saw her campaign poster on a telephone pole on Franklin Avenue back in 1979 as a 14-year-old girl, she has inspired me as a woman leader in so many ways. I know she has inspired many others into political participation, men as well as women, due to her energy, wisdom and conviction.

Her record of service demonstrates her unflinching commitment and respect for our political system for its important responsibility to serve all our citizens at all times with integrity and a sense of fairness.

Finally, Mr. Speaker, as the second woman MLA from Yellowknife, albeit 20 years later, it is with great pride and joy that I recognize her today as a great person, a mentor to political leaders, women and men, and a very deserving recipient of the Persons Case Award. Thank you, Mr. Speaker.

-- Applause

MR. SPEAKER: Thank you, Ms. Lee. Item 3, Members' statements. The honourable Member for Frame Lake, Mr. Dent.

Member's Statement on Family Violence

MR. DENT: Thank you, Mr. Speaker. Mr. Speaker, last week was Family Violence Awareness Week in the Northwest Territories. I know that many of us participated in activities marking the event. Today, I would like to recognize the work of front-line workers involved in family violence such as shelter workers, counsellors, police officers, social workers and the people offering victim services.

Mr. Speaker, a couple of weeks ago, along with the Minister responsible for overseeing this government's efforts to combat family violence, I visited Alison McAteer House, located in my constituency. It is unfortunate that we still need shelters like this, and even more troubling that shelters in the Northwest Territories are so busy that they regularly have to turn moms and their kids away.

Mr. Speaker, one solution to reducing the number of times victims are turned away from shelters is an act such as Alberta's Protection Against Family Violence Act. The Minister with responsibility for family violence has clearly indicated that yes, she would support such family legislation.

However, Mr. Speaker, in correspondence with the Minister responsible for Justice, he has indicated to me that his department is reviewing current legislation and he will report to Cabinet by the end of the year. Mr. Speaker, my concern is that it appears that the Department of Justice is looking at this situation from a strictly legal point of view and this is not adequate.

Yes, Mr. Speaker, court orders may be obtained under our current legislation but that often takes too long. Current legislation does not permit immediate protection from family violence. Police cannot obtain immediate protection orders over the phone. Victims are victimized again by having to follow often overwhelming, cumbersome and time-consuming legal processes to obtain the protection they should have immediately.

Mr. Speaker, in 1999-2000, 54 percent of women escaping abusive situations were admitted to shelters with their children. Sixty-eight percent of these children were under ten years of age. This is an abhorrent situation for a child to live in.

Shelters are full. They are turning women away. Last year, in one month alone, 46 women and children were turned away from Yellowknife shelters. Remember, like all shelters in the Northwest Territories, they serve a much broader population than just the local community. More than half of the clients served by Alison McAteer House come from outside of Yellowknife.

Mr. Speaker, these people need immediate protection. They must feel safe in their own homes. The police need better tools to react quickly. An act similar to the Alberta Protection Against Family Violence Act would provide this. We need it now, Mr. Speaker.

-- Applause

MR. SPEAKER: Thank you, Mr. Dent. Item 3, Members' statements. The honourable Member for Nunakput, Mr. Steen.

Member's Statement on First Territorial Official Languages Assembly

HON. VINCE STEEN: Thank you, Mr. Speaker. Good afternoon, honourable colleagues. Welcome back after a short summer break. Mr. Speaker, I wish to take this opportunity to thank all those delegates from the communities who are taking part in the official language conference, in particular, those delegates from my riding of Nunakput.

They are Agnes White of Tuktoyaktuk, Agnes Kuptana of Holman, Roger Kuptana of Holman and Emily Kudlak of Holman. I am sure they are raising the concerns of the people of Nunakput and are bringing forward good suggestions as well.

Mr. Speaker, our aboriginal languages and different dialects in Nunakput are all alive and still used substantially in some of our communities. Many people not only speak the language but live it as well. We hope the results of this conference will see much improved recognition of this fact. Thank you, Mr. Speaker.

-- Applause

MR. SPEAKER: Thank you, Mr. Steen. Item 3, Members' statements. Item 4, returns to oral questions. The honourable Minister responsible for Resources, Wildlife and Economic Development, Mr. Handley.

ITEM 4: RETURNS TO ORAL QUESTIONS

Return to Question 108-14(4): Community Forest Fire Protection Plans

HON. JOE HANDLEY: Mr. Speaker, I have a Return to Oral Question asked by Mr. McLeod on July 24, 2001 regarding community forest fire protection plans. The Department of Resources, Wildlife and Economic Development has completed site and structure assessments for over half of the communities. Additionally, satellite vegetation analysis for all communities has been completed as well as mapping and street layouts for 80 percent of the communities. Our forest management program expects to have most of the work on site and structure assessment completed by the end of 2001.

Following assessment, the next stage is analysis of the fire protection plans for each community to determine the extent of the protection problem and develop reasonable and practical solutions which may be applied for effective protection of the community.

Of the 31 communities in the forest area of the Northwest Territories, only one, Wrigley, has submitted a practical proposal for further work to the department. Fort Smith, Fort Providence and Tsiigehtchic are working with department staff to complete their preliminary work and evaluate the problem in preparation for a proposal submission. The community of Fort Simpson has retained a contractor to develop a proposal on their behalf for the Wild Rose Subdivision.

For the remaining communities, department staff are completing those assessments and analyses in preparation for planning in their areas. Regional staff have been in contact with the communities, keeping them informed on the progress of these efforts.

The department will be continuing to work with communities and other departments such as Municipal and Community Affairs to move this important task forward. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Mr. Handley. Item 4, returns to oral questions. 5, recognition of visitors in the gallery. The honourable Member for Tu Nedhe, Mr. Nitah.

ITEM 5: RECOGNITION OF VISITORS IN THE GALLERY

MR. NITAH: Mahsi cho, Mr. Speaker. Mr. Speaker, I am pleased to recognize in the gallery today my counterpart from the Legislative Assembly of Nunavut, Ms. Rebekah Williams, the chair of the special committee that is reviewing their Official Languages Act. Along with her, I would like to recognize Ms. Leona Aglukkaq, Deputy Clerk for the Legislative Assembly of Nunavut and research staff, Leetia Nowdluk. Also, Mr. Allan Adam, our staff for the Official Languages Act Committee. I would like to thank them publicly in this House for attending the language conference yesterday. Thank you, Mr. Speaker.

-- Applause

MR. SPEAKER: Thank you, Mr. Nitah. Welcome to the Assembly, Ms. Williams. Item 5, recognition of visitors in the gallery. The honourable Member for Thebacha, Mr. Miltenberger.

MR. MILTENBERGER: Thank you, Mr. Speaker. I would like to recognize a former mayor of Fort Smith and now the new director of the Energy Secretariat, affectionately known already as the new energy czar of the Northwest Territories, Mr. Dennis Bevington.

-- Applause

MR. SPEAKER: Welcome, Mr. Bevington. Item 5, recognition of visitors in the gallery. The honourable Member for Hay River North, Mr. Delorey.

MR. DELOREY: Thank you, Mr. Speaker. Mr. Speaker, I would like to recognize the president of the UNW, Georgina Rolt-Kaiser, in the audience. It is nice to see her back here.

-- Applause

MR. SPEAKER: Thank you. Welcome back. Item 5, recognition of visitors in the gallery. The honourable Member for Yellowknife Centre, Mr. Ootes.

HON. JAKE OOTES: Thank you, Mr. Speaker. Mr. Speaker, I would like to recognize David Murphy. David is the president of the Northwest Territories Teachers' Association. I would also like to recognize Bob Galipeau. He is with our department and in charge of language services. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Mr. Ootes. Item 5, recognition of visitors in the gallery. The honourable Member for Weledeh, Mr. Handley.

HON. JOE HANDLEY: Thank you, Mr. Speaker. Mr. Speaker, I would like to recognize Bob Haywood and Steve Peterson from the NWT Federation of Labour. Thank you.

MR. SPEAKER: Thank you. Welcome, gentlemen. Item 5, recognition of visitors in the gallery. The honourable Member for Range Lake, Ms. Lee.

MS. LEE: Mr. Speaker, I would like to take this opportunity to recognize a long-time Yellowknife resident who enjoys being here and watching us, Mr. Ed Jeske, and next to him, Barb Hood. Thank you.

-- Applause

MR. SPEAKER: Thank you, Ms. Lee. A former constituent, Mr. Jeske. Item 5, recognition of visitors in the gallery. Item 6, oral questions. The honourable Member for Great Slave, Mr. Braden.

ITEM 6: ORAL QUESTIONS

Question 116-14(4): Income Support Review

MR. BRADEN: Mr. Speaker, my question this afternoon is for the Minister of Education, Culture and Employment, Mr. Ootes. It is a follow-up to an issue that was raised in June and I believe again in July. It relates to information gathered in the process of the review, Mr. Speaker, for the income support program in the Northwest Territories.

My question at the time -- and the answer that I believe the Minister gave -- was that this information would be made public. It has not been received, at least by me so far, and I want to ask the Minister, Mr. Speaker, when will the information be publicly released from the income support review? Thank you.

MR. SPEAKER: Thank you, Mr. Braden. The honourable Minister responsible for the Department of Education, Culture and Employment, Mr. Ootes.

Return to Question 116-14(4): Income Support Review

HON. JAKE OOTES: Thank you, Mr. Speaker. Mr. Speaker, while I made that commitment, I subsequently realized that it was a Cabinet document, an internal working document, subsequently submitted to Cabinet. What I would like to offer the Member, Mr. Speaker -- it was a document that covered a number of topics, such as paying suppliers direct, food allowances, issues concerning the working poor and exempting income. What I would like to offer, Mr. Speaker, is to provide an in-depth briefing for the Member and anyone else who may be interested in that briefing, Mr. Speaker. Thank you.

MR. SPEAKER: Thank you, Mr. Ootes. Supplementary, Mr. Braden.

Supplementary to Question 116-14(4): Income Support Review

MR. BRADEN: Thank you, Mr. Speaker. That is a welcome offer. I appreciate the difference sometimes with what is a Cabinet document and what is information. When would the Minister be able to make this event happen? Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Mr. Braden. The honourable Minister responsible for the Department of Education, Culture and Employment, Mr. Ootes.

Further Return to Question 116-14(4): Income Support Review

HON. JAKE OOTES: Thank you, Mr. Speaker. We would be quite pleased to be able to address that immediately. As soon as the Member and others who may be interested in this are available, we can arrange that. We are quite prepared on it already, Mr. Speaker. Thank you.

MR. SPEAKER: Thank you, Mr. Minister. Supplementary, Mr. Braden. No supplementary? Item 6, oral questions. The honourable Member for Mackenzie Delta, Mr. Krutko.

Question 117-14(4): Student Financial Assistance Program Delivery

MR. KRUTKO: Thank you, Mr. Speaker. Mr. Speaker, my question is also for the Minister responsible for Education. Mr. Speaker, it is that time of year again when students have gone back to post-secondary education, college, university, and yet, Mr. Speaker, I have received a lot of calls this fall regarding problems our students are having with the income support program. We revised it to make it simpler yet, Mr. Speaker, we still continue to receive these calls. The problems that occur are where students find themselves at a particular college trying to find a place to stay, no resources in hand. Again, they are pre-registering themselves at university and college and finding themselves up against a roadblock because of either the paperwork has not been done right or they just have not got into the system.

My question, Mr. Speaker, to the Minister is this: is there a possibility of taking another look at this program and making it more community friendly by delivering these programs through income support, through the regional college systems, like Arctic College in Inuvik, Fort Smith and also here in Yellowknife, so that those students who are from the smaller communities can access it through the regional college rather than having to deal with it through Yellowknife? Thank you.

MR. SPEAKER: Thank you, Mr. Krutko. The honourable Minister responsible for the Department of Education, Culture and Employment, Mr. Ootes.

Return to Question 117-14(4): Student Financial Assistance Program Delivery

HON. JAKE OOTES: Thank you, Mr. Speaker. I appreciate the comments of the Member and that there is no doubt that some students have still had some difficulties for various reasons, Mr. Speaker. I do want to emphasize that we believe that the program has dramatically improved over the past year over what it was the previous year, not discounting the fact that perhaps some students may still have difficulties.

The Member's question is with regard to the issue of being able to deliver this particular program on a more on-the-ground basis in the communities. One of the issues, Mr. Speaker, we have been looking at, we started it already last year but because of the many areas of concern with the revamping of this particular program, we wanted to make sure we had other areas, administrative areas, out of the way first.

We are working towards more utilization by the regional offices, Mr. Speaker, and I think that is a progressive step for us. We trained our people at the regional offices on the computer system and we do want to move forward on that. Thank you.

MR. SPEAKER: Thank you, Mr. Minister. Supplementary, Mr. Krutko.

Supplementary to Question 117-14(4): Student Financial Assistance Program Delivery

MR. KRUTKO: Thank you, Mr. Speaker. Mr. Speaker, as we all know, we have less than two years to go in this House. I would like to ask the Minister, how soon can you move on this initiative to improve the flow of programs and services? I am talking about decentralization and ensuring that we have more community friendly programs that we deliver through this government. When, Mr. Speaker?

MR. SPEAKER: Thank you, Mr. Krutko. The honourable Minister responsible for the Department of Education, Culture and Employment, Mr. Ootes.

Further Return to Question 117-14(4): Student Financial Assistance Program Delivery

HON. JAKE OOTES: Thank you, Mr. Speaker. As I said, the issue of more delivery at the regional level and possibly more local level was started by us some months ago by training our regional people, our regional career officers. We would like to pursue that further. We did need to take the step of educating them on our CMAS system, the computer system. There are still some complications in that whole area, being able to turn it over. The request was also made previously about being able to cut cheques locally and to do the actual approvals. We are moving forward on that, Mr. Speaker, and I would like to state that I can be in a much better position by the spring of this coming year on this whole area. It is a case though of involving our regional career officers. We are not in a position to be able to add individuals to this because I do not think it is necessary with the new computer systems that we have. I think it is educating our regional staff. Thank you.

MR. SPEAKER: Thank you, Mr. Minister. Supplementary, Mr. Krutko.

Supplementary to Question 117-14(4): Student Financial Assistance Program Delivery

MR. KRUTKO: Thank you, Mr. Speaker. Mr. Speaker, I would like to ask the Minister if we can be kept informed to what he is doing with the department and also keep the regional boards and regional colleges informed, to bring them in the loop because they do play a key role of delivering programs in the regions and also to the different communities. I would like to ask the Minister to ensure that he does receive input from those groups in this review that he is considering looking at.

MR. SPEAKER: Thank you, Mr. Krutko. The honourable Minister responsible for the Department of Education, Culture and Employment, Mr. Ootes.

Further Return to Question 117-14(4): Student Financial Assistance Program Delivery

HON. JAKE OOTES: Thank you, Mr. Speaker. Yes, when I discussed this with my officials from my department, I did mention to them that I was interested in ensuring that the high schools are well aware of this program, that the colleges are very well aware of the program and the details so they can start providing assistance on the local scene to students who may be leaving high school, who may already be in the college

system. This particular program is one that I am working on from time to time, Mr. Speaker, to ensure that we educate our people and that it is well known to those who may have to become involved in delivery. Thank you.

MR. SPEAKER: Thank you, Mr. Minister. Final supplementary, Mr. Krutko. No supplementary? Item 6, oral questions. The honourable Member for Hay River North, Mr. Delorey.

Question 118-14(4): Alberta Equivalency Exam Results

MR. DELOREY: Thank you, Mr. Speaker. Mr. Speaker, over the last couple of years, we have heard from the Department of Education, Culture and Employment as to how much more money we are providing for education and everything the department is doing to increase the education levels of our youth.

Recently, Mr. Speaker, our grade 9 students took part in an Alberta equivalency exam. My question, Mr. Speaker, is could the Minister inform this House as to the results of these equivalency exams, specifically in mathematics? Thank you, Mr. Speaker.

MR. SPEAKER: Thank you. Mr. Delorey. The honourable Minister responsible for the Department of Education, Culture and Employment, Mr. Ootes.

Return to Question 118-14(4): Alberta Equivalency Exam Results

HON. JAKE OOTES: Thank you, Mr. Speaker. I do not have the exact results in hand here. I can certainly get them for the Member. I know that in mathematics, I understand that both the students from YK 1 and the South Slave were below standard compared to Alberta students. Thank you.

MR. SPEAKER: Thank you, Mr. Minister. Supplementary, Mr. Delorey.

Supplementary to Question 118-14(4): Alberta Equivalency Exam Results

MR. DELOREY: Thank you, Mr. Speaker. Mr. Speaker, could the Minister inform this House as to how many districts took part in those equivalency exams? Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Mr. Delorey. The honourable Minister responsible for the Department of Education, Culture and Employment, Mr. Ootes.

Further Return to Question 118-14(4): Alberta Equivalency Exam Results

HON. JAKE OOTES: Yes, Mr. Speaker, it was Yellowknife District 1 and the South Slave. Thank you.

MR. SPEAKER: Thank you, Mr. Minister. Supplementary, Mr. Delorey.

Supplementary to Question 118-14(4): Alberta Equivalency Exam Results

MR. DELOREY: Thank you, Mr. Speaker. Could the Minister inform us as to why there were only two districts that took part in those exams? Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Mr. Delorey. The honourable Minister responsible for the Department of Education, Culture and Employment, Mr. Ootes.

Further Return to Question 118-14(4): Alberta Equivalency Exam Results

HON. JAKE OOTES: Yes, it is a choice of the school districts to decide where they take their exams from. Other districts are looking to also include themselves in the Canadian Achievement. Some are taking Canadian Achievement tests now versus the Alberta exams, and while the Alberta exam was in two districts, the Canadian Achievement tests were in some other districts, Mr. Speaker.

MR. SPEAKER: Thank you, Mr. Minister. Final supplementary, Mr. Delorey.

Supplementary to Question 118-14(4): Alberta Equivalency Exam Results

MR. DELOREY: Thank you, Mr. Speaker. Mr. Speaker, could the Minister inform us as to what steps he will be taking because of the low results that were brought back from these equivalency exams, especially in grade 9 math? Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Mr. Delorey. The honourable Minister responsible for the Department of Education, Culture and Employment, Mr. Ootes.

Further Return to Question 118-14(4): Alberta Equivalency Exam Results

HON. JAKE OOTES: Thank you, Mr. Speaker. When something like this is brought to our attention, naturally we are very concerned about the results. It clearly is of concern when the results are there. However, we have to remember the circumstances under which those exams were held and compare them in an appropriate fashion. I did deal with this issue with my officials to see why this may have occurred. Certainly in the case of YK 1, the students that took this particular math test have only been taking that particular math program for three years and it was not an indicator like the Alberta students, who have been on the program perhaps for many more years.

Also, it is an Alberta achievement test and there are a number of considerations that have to be made. Alberta students are ranked amongst the highest in Canada. As a matter of fact, they are very high internationally. Also, it did not take into consideration some of the northern learning that takes place here in the Northwest Territories that are not part of the exam, Mr. Speaker. Thank you.

MR. SPEAKER: Thank you, Mr. Minister. Item 6, oral questions. The honourable Member for North Slave, Mr. Lafferty.

Question 119-14(4): Highway Maintenance Priorities

MR. LAFFERTY: Thank you, Mr. Speaker. My question is for the Minister of Transportation, the Honourable Vince Steen. I would like to ask the Minister, since June I have been meeting with him on a number of occasions about priorities of Highway No. 3 versus other highways, such as Highway No. 4 or the city streets of Yellowknife. He was telling me that Highway No. 3

was a priority. I just wonder if the Minister can tell me if it is still a priority. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Mr. Lafferty. The honourable Minister responsible for the Department of Transportation, Mr. Steen.

Return to Question 119-14(4): Highway Maintenance Priorities

HON. VINCE STEEN: Thank you, Mr. Speaker. Mr. Speaker, Highway No. 3 has the highest category of maintenance priority.

MR. SPEAKER: Thank you, Mr. Minister. Supplementary, Mr. Lafferty.

Supplementary to Question 119-14(4): Highway Maintenance Priorities

MR. LAFFERTY: Thank you, Mr. Speaker. I would like to thank the Minister for that answer. I would like to ask the Minister if he can tell his department which is the priority, Highway No. 3 or Highway No. 4, because they seem not to notice that when they do their maintenance work. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Mr. Lafferty. The honourable Minister responsible for the Department of Transportation, Mr. Steen.

Further Return to Question 119-14(4): Highway Maintenance Priorities

HON. VINCE STEEN: Thank you, Mr. Speaker. Mr. Speaker, the department is well aware of the priorities of this government in regard to the state of Highway No. 3 versus Highway No. 4. Our maintenance crews are well aware of the status of the priorities as well. As a result, we do direct our efforts towards Highway No. 3 on a priority basis. Thank you.

MR. SPEAKER: Thank you, Mr. Minister. Supplementary, Mr. Lafferty.

Supplementary to Question 119-14(4): Highway Maintenance Priorities

MR. LAFFERTY: Thank you, Mr. Speaker. Highway maintenance during the weeks and the days out there, they do daily logs of their maintenance. I would like to ask the Minister if he can make available to me all the daily logs since January, 2000. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Mr. Lafferty. The honourable Minister responsible for the Department of Transportation, Mr. Steen.

Further Return to Question 119-14(4): Highway Maintenance Priorities

HON. VINCE STEEN: Thank you, Mr. Speaker. Mr. Speaker, yes, I can make that information available to the Member.

MR. SPEAKER: Thank you. Item 6, oral questions. The honourable Member for Range Lake, Ms. Lee.

Question 120-14(4): Contract for Liquor Sales

MS. LEE: Thank you, Mr. Speaker. Mr. Speaker, my question today goes to the Honourable Joe Handley in his capacity as the Minister responsible for the Liquor Commission. Mr. Speaker, as you might be aware, there has been a call for contracts out for liquor store outlets in the City of Yellowknife but there has not been any announcement as to who might have won those contracts. I am not asking any substantive question, but I have had inquiries from constituents as to when the commission may make an announcement as to who the contracts would go to. I wonder if the Minister could indicate to this House as to whether he is aware of when that might be. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Ms. Lee. The honourable Minister responsible for the Department of Finance, Mr. Handley.

Return to Question 120-14(4): Contract for Liquor Sales

HON. JOE HANDLEY: Thank you, Mr. Speaker. The contract was tendered and closed, I think, on September 7th. Since that time, the liquor board and the department have been doing a review and analysis of the many proposals they received. There are two factors that have to be considered. One is the relative cost of each proposal and also the total cost of what would be even the lowest one to Yellowknife consumers. I am meeting tomorrow with the representatives of the liquor board and the Department of Finance. After that, we will be able to indicate how soon we will be able to award the contract. Thank you.

MR. SPEAKER: Thank you, Mr. Minister. Supplementary, Ms. Lee.

Supplementary to Question 120-14(4): Contract for Liquor Sales

MS. LEE: Thank you, Mr. Speaker. Mr. Speaker, I appreciate the Minister's answer but I would like to indicate to the Minister that the concern my constituents have is the fact that she needs to know this as soon as possible because she is holding properties in abeyance in case she gets this contract. I am sure there are many others who are having to hold their contracts and incur expenses at the same time. I was wondering if the Minister could convey to whoever the decision-makers are about the importance of the timeliness, whatever the decisions may be. Could the Minister commit to that, please?

MR. SPEAKER: Thank you, Ms. Lee. The honourable Minister responsible for the Department of Finance, Mr. Handley.

Further Return to Question 120-14(4): Contract for Liquor Sales

HON. JOE HANDLEY: Yes, Mr. Speaker, I am meeting with the board representatives tomorrow and the department. I will convey the concern of businesses that we make a speedy decision. Assuming there are no difficulties, I hope we can do that within a few days but I will let the Member know as quickly as I can. Thank you.

MR. SPEAKER: Thank you, Mr. Minister. Final supplementary, Ms. Lee.

Supplementary to Question 120-14(4): Contract for Liquor Sales

MS. LEE: Thank you, Mr. Speaker. I wonder if I could ask the Minister to indicate whether or not he sees any possibility of having this decision made by the end of the month, because the end of the month is always an important time for properties. Thank you.

MR. SPEAKER: Thank you, Ms. Lee. The honourable Minister responsible for the Department of Finance, Mr. Handley.

Further Return to Question 120-14(4): Contract for Liquor Sales

HON. JOE HANDLEY: Mr. Speaker, yes, I expect I can make that decision by the end of the month. Thank you.

MR. SPEAKER: Thank you, Mr. Minister. Item 6, oral questions. The honourable Member for Frame Lake, Mr. Dent.

Question 121-14(4): Protection From Family Violence Legislation

MR. DENT: Thank you, Mr. Speaker. My question is for the Minister of Justice relating to my statement on the protection from family violence legislation and our need for it here in the Northwest Territories. Mr. Speaker, the letter I received from the Minister indicates that his department is examining this type of legislation and that the purpose of that legislation is to protect residents who are experiencing family violence. The letter also makes note that it is important to make sure that this legislation does not merely duplicate protection that is already available.

Mr. Speaker, as I see this legislation, it is to better protect the people than what we are doing with our current legislation and it does in some ways duplicate, but it means that we do not have to have court orders. Will the Minister ensure that his department knows that the purpose is not just to ensure that people can get to court but that they do not have to go to court to get an order to get a person who is committing a violent act out of the house? Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Mr. Dent. The honourable Minister responsible for the Department of Justice, Mr. Antoine.

Return to Question 121-14(4): Protection From Family Violence Legislation

HON. JIM ANTOINE: Thank you, Mr. Speaker. Mr. Speaker, the department is fully aware of the reason for urging this department to introduce family violence legislation. Currently, the correspondence I had with the honourable Member was to relate to him that the department is viewing this as a priority. We are reviewing this as a priority. We are not saying no to introducing legislation. We are just looking at what other jurisdictions are doing in other provinces and territories to see whether similar type of legislation is going to work up here in all our communities.

I think it is a good thing to better protect our people. It is just that we want to make sure we do it right. Thank you.

MR. SPEAKER: Thank you, Mr. Minister. Supplementary, Mr. Dent.

Supplementary to Question 121-14(4): Protection From Family Violence Legislation

MR. DENT: Thank you, Mr. Speaker. Mr. Speaker, I am a bit encouraged to hear the Minister's response and I will be continuing to question him on this issue. He said in his letter that he will report to Cabinet by the end of the year. Could he advise this House when it would be his intention to proceed with legislation if Cabinet agrees by the end of the year?

MR. SPEAKER: Thank you, Mr. Dent. The honourable Minister responsible for the Department of Justice, Mr. Antoine.

Further Return to Question 121-14(4): Protection From Family Violence Legislation

HON. JIM ANTOINE: Thank you, Mr. Speaker. I do not have any specific timing on this yet, but as we proceed and get the necessary approval from Cabinet, we will move from there. Thank you.

MR. SPEAKER: Thank you, Mr. Minister. Supplementary, Mr. Dent.

Supplementary to Question 121-14(4): Protection From Family Violence Legislation

MR. DENT: Thank you, Mr. Speaker. I would like to ask the Minister if he would commit to trying to work so that, given Cabinet approval in this calendar year, he could introduce legislation perhaps in the spring session. Will he work towards that timetable?

MR. SPEAKER: Thank you, Mr. Dent. The honourable Minister responsible for the Department of Justice, Mr. Antoine.

Further Return to Question 121-14(4): Protection From Family Violence Legislation

HON. JIM ANTOINE: Thank you, Mr. Speaker. Yes, I will do that. Thank you.

MR. SPEAKER: Thank you, Mr. Minister. No supplementary. Item 6, oral questions. The honourable Member for Tu Nedhe, Mr. Nitah.

Question 122-14(4): Application for Timber Permit in Pine Point Area

MR. NITAH: Mahsi, Mr. Speaker. Mr. Speaker, today my question is for the Minister responsible for Resources, Wildlife and Economic Development. Mr. Speaker, I know for a number of years now in the Northwest Territories, the Government of the Northwest Territories and the aboriginal groups have been negotiating land claims. Until that is settled, there are a lot of grey areas. However, precedence has shown that those claims that are finalized, the aboriginal people retain ownership of the land and resources.

The question I have for the Minister today deals with the Mackenzie Valley Resource Management Act assessment and permission for allowing to proceed in the Pine Point area.

The community of Fort Resolution is concerned greatly, as is the Akaitcho Territory Government, over this issue. What is the intention of the Department of Resources, Wildlife and Economic Development dealing with Mr. Patterson's requests to mill in the Pine Point area? Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Mr. Nitah. The honourable Minister responsible for the Department of Resources, Wildlife and Economic Development, Mr. Handley.

Return to Question 122-14(4): Application for Timber Permit in Pine Point Area

HON. JOE HANDLEY: Thank you, Mr. Speaker. Mr. Speaker, Mr. Patterson put in an application to the Mackenzie Valley Environmental Impact Review Board. The board has, over the past year, reviewed that application. They have made a ruling that there is no reason, from an environmental perspective, to not proceed with it, both in terms of supply of timber as well as other environmental concerns. I am currently seeking clarification from the Minister of DIAND. Pending that, I would have to make a decision, but at this point, there appears to be no alternative for our government except to award the permit as we have been directed to by the Mackenzie Valley Environmental Impact Review Board. Thank you.

MR. SPEAKER: Thank you, Mr. Handley. Supplementary, Mr. Nitah.

Supplementary to Question 122-14(4): Application for Timber Permit in Pine Point Area

MR. NITAH: Thank you, Mr. Speaker. The Mackenzie Valley board does not recognize chief and council's authority outside of the land claims settled area. It took the mayor of Deninu Ku'e to get an environmental assessment initiated. Towards that end, this government, along with the federal government and the Akaitcho government, signed an Interim Measures Agreement in the spring of 2001. What role does that agreement play in that process? Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Mr. Nitah. The honourable Minister responsible for the Department of Resources, Wildlife and Economic Development, Mr. Handley.

Further Return to Question 122-14(4): Application for Timber Permit in Pine Point Area

HON. JOE HANDLEY: Mr. Speaker, certainly our government will not violate the Interim Measures Agreement, so if there is any violation of that, then that is grounds for not issuing a permit. However, at this time, I am told that there is no violation by this application and I have no reason to deny the permit. Thank you.

MR. SPEAKER: Thank you, Mr. Minister. Supplementary, Mr. Nitah.

Supplementary to Question 122-14(4): Application for Timber Permit in Pine Point Area

MR. NITAH: Thank you, Mr. Speaker. There is Treaty 8, which is an internationally recognized agreement. There is an Interim Measures Agreement and then there is the Mackenzie Valley. Which agreement takes precedence in the eyes of the Department of Resources, Wildlife and Economic Development, Mr. Speaker? Thank you.

MR. SPEAKER: Thank you, Mr. Nitah. The honourable Minister responsible for the Department of Resources, Wildlife and Economic Development, Mr. Handley.

Further Return to Question 122-14(4): Application for Timber Permit in Pine Point Area

HON. JOE HANDLEY: Mr. Speaker, I would expect that if the treaty is relevant, then it certainly would take precedence over the Interim Measures Agreement. Thank you.

MR. SPEAKER: Thank you, Minister Handley. Final supplementary, Mr. Nitah.

Supplementary to Question 122-14(4): Application for Timber Permit in Pine Point Area

MR. NITAH: Thank you, Mr. Speaker. Mr. Speaker, the Akaitcho Government, the federal government, and the Government of the Northwest Territories are negotiating the implementation of that treaty, so it must be relevant.

I would like to ask the timing of the department's reaction. Based on the discussions Mr. Handley is planning to have with Mr. Nault, when can we expect an answer? Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Mr. Nitah. The honourable Minister responsible for the Department of Resources, Wildlife and Economic Development, Mr. Handley.

Further Return to Question 122-14(4): Application for Timber Permit in Pine Point Area

HON. JOE HANDLEY: Mr. Speaker, I am not having face-to-face discussions with Minister Nault. I am sending him a letter and I expect to have a response speedily but I really cannot pin a date down to it. Thank you.

MR. SPEAKER: Thank you, Mr. Minister. Item 6, oral questions. There are no further oral questions. I apologize to the House for my scratchy voice. I was making a speech yesterday and I should not have been, so I am a little hoarse. Item 7, written questions. Item 8, returns to written questions. Item 9, replies to opening address. Item 10, petitions. The honourable Member for Yellowknife South, Mr. Bell.

ITEM 10: PETITIONS

Petition 3-14(4): Opposition to Bill 9, Commercial Vehicle Trip Permit Act

MR. BELL: Thank you, Mr. Speaker. I would like to present a petition dealing with the matter of Bill 9, Commercial Vehicle Trip Permit Act. Mr. Speaker, this petition contains 809 signatures of Yellowknife and other residents from areas and communities around the North, places like Inuvik, Fort Simpson, Fort Smith, Rae, Ndilo, Ingraham Trail, Prelude, Hay River, Tuktoyaktuk, Fort Providence, Enterprise, Aklavik and Nahanni Butte. Essentially, Mr. Speaker, these folks all oppose Bill 9, Commercial Vehicle Trip Permit Act. Thank you.

MR. SPEAKER: Thank you, Mr. Bell. Item 10, petitions. Item 11, reports of standing and special committees. The Chair recognizes the honourable Member for Yellowknife South, Mr. Bell.

ITEM 11: REPORTS OF STANDING AND SPECIAL COMMITTEES

Committee Report 6-14(4): Confidence in the Integrity and Standard of Government - The Report of the Special Committee on Conflict Process

MR. BELL: Thank you, Mr. Speaker.

Part I

Introduction

1.1 The Special Committee on Conflict Process is pleased to present our second report as mandated by the Legislative Assembly on July 23, 2001. The mandate of the committee was expanded and extended to report no later than October 23, 2001.

1.2 The report, entitled Confidence in the Integrity and Standard of Government, offers for consideration of the Legislative Assembly our findings and recommendations.

1.3 The tasks of this committee have been challenging, arduous and complex. It has been a learning experience for each of us. It would be fair to say that no committee member relished the responsibilities associated with this mandate, but all felt the need for transparency in government and that the requirement to be accountable to the public for our actions was critical, Mr. Speaker.

1.4 Without exception, my fellow members undertook these obligations with the sincere intention of resolving the issues in a manner that was open and fair to all concerned. They devoted many hours to this task and they did so with open and ready minds, careful discussion and thoughtful analysis. I wish to express my sincere gratitude to each member for their invaluable assistance and contributions.

Part II

Background

2.1 On March 30, 2001, Jack Rowe of Hay River contacted the Conflict of Interest Commissioner regarding a concern of alleged conflict on the part of the honourable Member for Hay River South, Jane Groenewegen. Mr. Rowe alleged that Ms. Groenewegen had breached certain provisions of the Legislative Assembly and Executive Council Act, (the act), by remaining a director of certain privately owned corporations.

2.2 Ms. Groenewegen requested in correspondence dated April 25, 2001, directed to the Conflict of Interest Commissioner, that she stand herself aside respecting this investigation as a result of a stated reasonable apprehension of bias on the part of the Member.

2.3 Mr. Speaker, the Conflict of Interest Commissioner considered the request to stand aside, but concluded

- that there was no reason why she should not undertake the investigation of this complaint.
- 2.4 So began a journey that has been challenging, difficult and one that has often traveled through uncharted territory. As is often the case, Mr. Speaker, the ultimate destination can be quite different from what was originally contemplated by all concerned, including interested members of the public.
- 2.5 Although the matter appears to have been initiated as a result of the conflict complaint by Mr. Rowe, the issues which ultimately became the mandate of the special committee had their genesis long before this particular event. However, the request having been made by the Member, it had to be addressed in a manner that was fair and appropriate to both Minister Groenewegen and to the Conflict of Interest Commissioner.
- 2.6 The initial attempts to do so by the Board of Management of the Legislative Assembly and the creation of this special committee are detailed in the first report of the Special Committee on Conflict Process, which we presented in the Legislative Assembly July 23, 2001.
- 2.7 At the time the July report was considered, the honourable Member for Hay River South requested withdrawal of her application to have the Conflict of Interest Commissioner suspended or removed regarding this investigation. The Assembly was at this point left in an extremely difficult situation. Serious allegations had been traded between the Member and the Conflict of Interest Commissioner. The reputation of both the Member and the office of the Conflict of Interest Commissioner had been called into question, and certain highly questionable actions of a senior level government official in the Premier's office had come to light.
- 2.8 The choice became whether to leave all such questions unexplored and unanswered, or to spend the time and resources inevitably required to bring closure to serious issues that reflected significantly on the integrity of government as a whole.
- 2.9 The Assembly, by motion passed July 23, 2001, provided the special committee with an extended and expanded mandate to conclude the serious questions which had such humble and unassuming origins.
- 2.10 The mandate accorded to the committee as set out in the motion of the Assembly of July 23, 2001, was as follows, Mr. Speaker:
- That notwithstanding the withdrawal of the application, the Legislative Assembly authorizes and extends the mandate of the Special Committee on Conflict Process to consider the allegation of an apprehension of bias in relation to the investigation conducted by the Conflict of Interest Commissioner, and to consider related matters which have arisen or may arise
- during the normal course of proceedings of the special committee. (Section 2 of Motion 4-14 (4) as amended July 23, 2001.)
- 2.11 The committee attempted to refine aspects of its mandate and considered that there were three important issues to be addressed.
- 1. Bias Allegations**
- (a) The allegation that the Conflict of Interest Commissioner had prior knowledge of the details of the alleged infraction by the Minister in advance of a complaint being made as a result of a conversation with Mr. Selleck. The question of whether this was the case and further, what if any effect it had, would be considered by the committee;
- (b) The allegation that there was an invitation to file a complaint made during the course of the media interview with Mr. Selleck and that references in that interview could reasonably be held to be in reference to Minister Groenewegen;
- (c) The allegation that the complaint made by Mr. Rowe was coached in some fashion as a result of the exchange of correspondence or communication on the issue; and
- (d) The allegation that conflict avoidance advice was not given on the matter, Mr. Speaker.
- 2. Whether Inaccurate Submissions Were Made on Behalf of the Conflict of Interest Commissioner to the Special Committee.**
- It had been suggested that there was a material discrepancy between the material filed on behalf of the Conflict of Interest Commissioner and the facts respecting the information she had in hand prior to the complaint being laid by Mr. Rowe.
- 3. Whether There are Any Circumstances Which Would Explain the Apparent Error in Judgment Associated With the Minister's Tape Recording of the March 26, 2001, Telephone Conversation.**
- 2.12 The committee had previously decided that in order for it to properly address the questions before it, it would be necessary to hear from witnesses. This was due to the fact that a number of important facts appeared to be in dispute, and the only means of resolving such disputes would be to hear from individuals who could speak to events and circumstances.
- 2.13 An initial witness list was developed which included the following individuals, Mr. Speaker:

- Lee Selleck, reporter with the CBC;
- Jack Rowe, complainant in the conflict matter;
- Jane Groenewegen, Minister;
- Carol Roberts, Conflict of Interest Commissioner;
- John Bayly, principal secretary to Cabinet.

These persons were initially invited to attend the hearing to give evidence, and thereafter summons were issued respecting their attendance at the hearing.

2.14 As a result of interviews which were conducted in advance of the hearing with these witnesses, it was determined that it would be necessary to hear from other individuals. Invitations and summons were accordingly issued to:

- April Taylor, director of communications, Department of the Executive;
- Lynda Sorensen, chief of staff;
- Stephen Kakfwi, Premier.

2.15 The committee also conducted meetings to determine whether certain witnesses would be granted standing, or the status to participate in the hearing process by examination and cross examination of witnesses and the ability to make submissions to the committee, Mr. Speaker. Minister Groenewegen and the Conflict of Interest Commissioner were granted full standing. Applications by John Bayly, Lynda Sorensen and Stephen Kakfwi for standing were denied by the committee.

2.16 All witnesses were entitled to engage legal counsel if they so desired. However, only legal counsel of the witnesses with standing would fully participate in the hearing. In the end, all witnesses save Jack Rowe and April Taylor retained legal counsel to assist them. Mr. Speaker, the committee did not bear the costs of legal counsel for any witness.

2.17 While it was extremely difficult to arrange hearing dates, given commitments of committee members and those of witnesses and their respective legal counsel, the hearing was scheduled for September 18, 19 and 20, 2001.

2.18 The hearing commenced as scheduled on September 18, 2001. The time required to hear testimony from the various witnesses extended well beyond the expectations of all concerned, and after more than 70 hours of testimony the hearing concluded Saturday, September 22, 2001. Many long days and evenings were required to complete this part of the process and the committee extends its gratitude to all concerned for their patience and endurance.

2.19 Final written submissions were received from legal counsel for the Minister and the Conflict of Interest Commissioner September 28, 2001, and reply submissions were received from each October 3, 2001.

2.20 Mr. Speaker, the committee then began the task of reviewing transcripts of oral evidence and the nearly one hundred documents referred to during the course of the proceedings to prepare its report and recommendations to the Legislative Assembly.

Part III

Reasonable Apprehension of Bias

3.1 In order to inform and report on this aspect of the process, it is helpful at the outset to review the main allegations on the part of the Minister and the essential response of the Conflict of Interest Commissioner. The allegations of the Minister articulated by the committee in advance of the hearing are as follows:

- (a) That the Conflict of Interest Commissioner, as a result of discussions and/or an interview with Lee Selleck of CBC on March 15, 2001, became aware of the details of an alleged conflict of interest infraction by the Minister. The Minister alleges that at this stage, the Conflict of Interest Commissioner was made aware by Mr. Selleck that he had information from the corporate registry that the Minister remained listed as the director of certain private company or companies, and that he had traveled to Hay River to investigate this matter. The Minister alleges that the subsequent actions of the Conflict of Interest Commissioner, including her discussions with the media, must be seen through the prism of this prior knowledge, and that the prior knowledge affected her approach and the nature of her comments to the press concerning the matter, Mr. Speaker;
- (b) That on the basis of the Conflict of Interest Commissioner's knowledge of the alleged or potential infraction by the Minister, the comments of Ms. Roberts made to the media must be interpreted to be in reference to the Minister and not hypothetically with respect to all or any Members, and further that the gist of such comments constituted an invitation to the public at large to file a complaint such that an investigation could be undertaken;
- (c) That upon Mr. Rowe contacting the Conflict of Interest Commissioner, the exchange of e-mail correspondence which occurred between the two, particularly during the period March 30, 2001 to April 2, 2001, went beyond the Conflict of Interest Commissioner assisting Mr. Rowe to articulate his complaint and constituted coaching or framing of the complaint against the Minister; and

- (d) That despite the Conflict of Interest Commissioner's awareness as alleged of a potential problem on or about the 15th of March, 2001, conflict avoidance advice was not provided to the Minister either at that time or in response to a written request on April 4, 2001, for conflict avoidance advice as permitted by section 98 of the act.

3.2

Mr. Speaker, while these allegations constitute the main thrust of the position of the Minister, a number of other issues were raised by her in support of her apprehension that the Conflict of Interest Commissioner would not bring an open, fresh and entirely objective approach to the investigation of the complaint lodged by Mr. Rowe. These concerns included the following:

- That in the Conflict of Interest Commissioner's previous investigation of a complaint against the Minister filed by Michael Miltenberger, the Member for Thebacha, the Conflict of Interest Commissioner met with the Minister and inquired of her as to why the Minister did not direct the trustee of her blind trust to effect transfer of the vehicle in question to her name personally. The Minister was concerned respecting this query as in her view it evidenced, at a minimum, a complete lack of understanding on the part of the Conflict of Interest Commissioner that the Minister was prohibited by the terms of the blind trust arrangement from providing any direction to the trustee respecting corporate matters;
- That during the course of the investigation of the Miltenberger complaint, the Conflict of Interest Commissioner advised the Minister in writing that she would provide a draft of her investigation report to the Minister in advance of it being tabled in the Legislative Assembly. The Minister was not provided with a draft report and her first knowledge of it was at the time of the tabling of the report in the House;
- The Conflict of Interest Commissioner did not specify to the Minister in the Miltenberger complaint the section which she considered the Minister may have breached. Despite the lack of notice, the Conflict of Interest Commissioner found the Minister in breach of section 75 of the act. This section was never previously mentioned or discussed with respect to the complaint or the Commissioner's investigation. The Minister alleges that, having no notice that this was a breach being considered by the Conflict of Interest Commissioner, she could not provide any response or answer to this allegation;
- That in the report of the Miltenberger complaint tabled in the Legislative Assembly, the Conflict of Interest Commissioner stated that she had concerns about the legislation generally and

some of the limitations on her authority contained in the present act, particularly her ability to impose sanctions in the circumstances;

- That in the Miltenberger complaint tabled in the Legislative Assembly, while the Conflict of Interest Commissioner dismissed the complaint, she went on to suggest that the Legislative Assembly could consider imposing sanctions. In the view of the Minister, there was no ability on the part of the Conflict of Interest Commissioner to suggest the imposition of any sanctions when the complaint had been dismissed. The matter was completed and the suggestion of sanctions when a complaint had been dismissed and concluded was disturbing;
- That on January 5, 2001, the Conflict of Interest Commissioner, unsolicited, corresponded with the Minister advising that she had concerns about the adequacy of the Minister's blind trust agreement, despite the approval of that agreement by the prior Acting Conflict of Interest Commissioner, Robert Clark. Despite expressing concerns, the Conflict of Interest Commissioner did not provide the Minister, in her view, with any definitive advice as to how to allay those concerns;
- That the Conflict of Interest Commissioner suggested to the Minister, on more than one occasion, that the best solution to her situation would be for the Minister's husband to divest himself of any interests he had in the companies in question. The Minister alleged that such advice ran contrary to any previous advice or philosophy associated with family-run businesses;
- That in a telephone conversation between the Conflict of Interest Commissioner and John Bayly on March 26, 2001, the Conflict of Interest Commissioner confirmed that Lee Selleck had previously provided her with information concerning the alleged infraction of the Minister, namely the Minister remaining a director of certain privately owned corporations.

3.3

Mr. Speaker, the Conflict of Interest Commissioner, in her written submissions to the special committee and in her evidence provided at the hearing in this matter, addressed these concerns as follows:

- (a) That she did not have specific knowledge of any alleged infraction at the time of her conversation with Mr. Selleck on March 15, 2001. In any event, even if she did have such knowledge, it did not affect her investigation of the Rowe complaint, nor could any reasonable person conclude that such knowledge would affect her investigation of the complaint;
- (b) That when the Conflict of Interest Commissioner was contacted by the media subsequent to the

airing of the Northbeat television program March 26, 2001, which detailed the alleged infraction of the Minister, the Conflict of Interest Commissioner specifically stated that she would not discuss any Member's arrangements in particular but would speak to the responsibilities of Members under the act generally and the role of the Conflict of Interest Commissioner respecting investigation of complaints;

- (c) That the contact with Mr. Rowe concerning the filing of his complaint was with a view to requiring Mr. Rowe to properly articulate his complaint and properly provide grounds and objective evidence for the complaint. Such actions were taken by the Conflict of Interest Commissioner with a view to ensuring that only properly formulated complaints against Members, including this complaint against the Minister, would be the subject of investigation by her;
- (d) That it was neither the role nor the responsibility of the Conflict of Interest Commissioner to alert or apprise the Minister of any suspected infraction. Rather, it is the responsibility of Members to ensure that their affairs are ordered in compliance with and pursuant to the provisions of the Legislative Assembly and Executive Council Act;
- (e) That with respect to the Miltenberger complaint and report generally, due to the timing considerations associated with the House rising in the fall of 2000, it was not possible for the Conflict of Interest Commissioner to provide a draft report to the Minister, although she made an effort to place the report in the hands of the Minister some hours in advance of it being tabled in the House. The Conflict of Interest Commissioner remained of the view that the House could generally sanction a Member pursuant to parliamentary privilege although such sanctions would not be available pursuant to the Legislative Assembly and Executive Council Act. The Conflict of Interest Commissioner further stated that it was entirely appropriate for her to provide commentary on the legislation at any point, including within the context of an investigation report regarding a Member tabled in the Legislative Assembly; and
- (f) Mr. Speaker, that in corresponding with the Minister on January 5, 2001, with respect to the provisions of the blind trust agreement, the Conflict of Interest Commissioner was attempting to assist the Minister respecting vulnerability arising from the operation of family owned businesses which are the subject of blind trust agreements. The Conflict of Interest Commissioner further stated that she provided the Minister with various forms of trust agreements which they could discuss, but that ultimately it was the responsibility of the Minister to retain such expertise, including that of trust lawyers or accountants, to assist her with

properly ordering her affairs. The responsibility of the Conflict of Interest Commissioner was restricted to approval of such arrangements and not the development or creation of such solutions. Similarly, if concerns or allegations were raised in the public domain respecting possible infractions, it was the responsibility of the Minister to attend to such actions as may be required. It was not the responsibility of the Conflict of Interest Commissioner to alert or advise a Member of such allegations.

- 3.4 The responsibility of the committee in assessing the question of apprehension of bias is not to determine whether there was actual bias on the part of the Conflict of Interest Commissioner in her dealings with Minister Groenewegen. Rather, the responsibility of the committee is to assess and determine whether an objective, reasonable and informed person would have legitimate concerns, in light of all the facts and circumstances, about whether the investigation could be conducted by the Conflict of Interest Commissioner in a completely objective and dispassionate fashion.
- 3.5 While it is difficult to remove individual characteristics, attitudes and perspectives from this process, the committee must bring an objective and detached analysis to the issues.
- 3.6 It became apparent that the question of the extent to which Mr. Selleck advised or discussed with Ms. Roberts on or about March 15, 2001, the particulars of any alleged infraction by Minister Groenewegen was an important factual component to the consideration of this issue.
- 3.7 It is regrettable and most unfortunate that Mr. Selleck refused to testify and provide information, which could have been of assistance to the committee in resolving this issue.
- 3.8 While his conduct will be the subject of comment in another part of this report, the committee wishes to state unequivocally that the failure of Mr. Selleck to even apprise himself of the nature of the information sought from him, and the importance it might have to the determination of issues before the committee, was both frustrating and distressing.
- 3.9 Mr. Speaker, the committee did have available to it a transcript of the taped telephone conversation which occurred between Ms. Roberts and Mr. Bayly on March 26, 2001. During the course of this telephone conversation, the interaction between Ms. Roberts and Mr. Selleck was discussed. Ms. Roberts stated during the course of this telephone conversation, and I am quoting:

...and I don't know how he's clipping together the piece, but it was on conflict generally and he did tell me he'd gone to Hay River and done some investigation and asked me some hypotheticals....

- ...let me just try and think of how he phrased it. I think what he specifically asked me was he had done a company search and he noticed Jane's name still on the company registry as a director of the company.
- 3.10 Ms. Roberts indicated during the course of her testimony before the committee that at the time of preparation of her written submissions to the committee, which were received June 29, 2001, she did not have a specific recollection of this information having been provided to her by Mr. Selleck. Rather, her recollection was to the contrary. Indeed, at the time of providing evidence at the hearing some months later, her recollection could not be better than that.
- 3.11 It is open to the committee to conclude that Ms. Roberts' recollection of her dealings with Mr. Selleck on March 15, 2001, would have been fresher in her mind on March 26, 2001, than they were some months later.
- 3.12 Given the clear and unequivocal statements made during the course of this telephone conversation, the committee concludes that the Conflict of Interest Commissioner did, in fact, on or about March 15, 2001, have information provided by Mr. Selleck of the Minister remaining a director of companies in contravention of the act.
- 3.13 Mr. Speaker, in the view of the committee, this single incident, as with all other allegations taken in isolation, are not determinative of an apprehension of bias. Nevertheless, the committee has carefully considered that on the 14th of March, 2001, one day prior to Ms. Roberts' discussions with Mr. Selleck, she acknowledged receiving the Minister's annual disclosure statement in which the Minister confirmed that she did not occupy any position of director with respect to any company.
- 3.14 Having this information in hand one day and being confronted with serious allegations to the contrary the following day, the committee is at a loss as to why the Conflict of Interest Commissioner would not have contacted the Minister to resolve this apparent contradiction. At this point in time, no complaint was pending. The provision of the annual disclosure statement was freshly available to the Conflict of Interest Commissioner.
- 3.15 At the very least, Mr. Speaker, one would have thought that the Conflict of Interest Commissioner would have contacted the Minister to either provide fresh advice or receive confirmation of the information provided by the Minister in her disclosure statement.
- 3.16 While it is not the responsibility of the Conflict of Interest Commissioner to react to every rumour and innuendo, surely the provision of this information by the CBC ought to have alerted the Conflict of Interest Commissioner to the fact that there was a significant contradiction and potential problem.
- 3.17 It is accepted that when the Minister herself became apprised of the problem on March 21, 2001, as a result of an interview with Lee Selleck, the onus shifted to the Minister to take steps to resolve the problem. She in fact contacted the Conflict of Interest Commissioner not once but twice on this date but did not, during either conversation, seek advice or assistance from the Conflict of Interest Commissioner regarding the directorship issue. However, during the period March 15, 2001, to March 21, 2001, the Minister had no awareness that there was any problem. Indeed, Mr. Selleck's requests for an interview were entirely puzzling to her.
- 3.18 On the other hand, Mr. Speaker, the Conflict of Interest Commissioner during this period was apprised of the potential problem, and she took no steps to confirm the facts or contact the Minister regarding the contradiction which was now apparent to her.
- 3.19 It is this fact, in conjunction with other accumulated circumstances, which in the view of this committee, give rise to a reasonable apprehension of bias. These additional and other accumulated circumstances include:
- The failure of the Conflict of Interest Commissioner to provide notice to the Minister of the alleged breach of section 75 in the Miltenberger complaint and report. The committee also notes that this same problem occurred with respect to the investigation report on the Rowe complaint. However, this report followed the initial application regarding bias and therefore cannot be taken into consideration in this issue;
 - The invitation by the Conflict of Interest Commissioner to the Assembly to consider sanction of the Minister despite the dismissal of the complaint in the Miltenberger report;
 - The exchange of e-mail correspondence with Jack Rowe, which marked a departure from her prior approach in investigating the Miltenberger complaint, by asking that a specific section be articulated by Mr. Rowe, and exploring with Mr. Rowe facts that at best seemed peripheral to the substance of the complaint. While it is open and at times will be required that the Conflict of Interest Commissioner assist a complainant in properly formulating a complaint, in the view of the committee the exchanges with Mr. Rowe pushed the envelope of such intentions and bordered on going too far in assisting in framing the complaint;
 - The failure of the Conflict of Interest Commissioner to notify the Minister at the point that she considered Mr. Rowe to have lodged a formal complaint (April 2, 2001), waiting instead until April 9, 2001, to so notify the Minister. She stated on April 2, 2001, that she had accepted

the communication from Mr. Rowe as a complaint but went on to indicate that she would not be taking action on it on the basis of the information provided to that point. It is unclear what she intended to convey by this communication. In any event, she nonetheless went on to take steps at this point that appear very much to be in the nature of an investigation; and, Mr. Speaker,

- The fact that the Conflict of Interest Commissioner continued to have discussions with the media after her March 15, 2001, discussions with Mr. Selleck. The Conflict of Interest Commissioner would have known, or at least would have been alerted at this stage, that there was a potential problem concerning Minister Groenewegen. Her willingness to discuss matters with the media at this point, even if stated to be in general and in hypothetical terms, at best showed poor judgment on the part of the Conflict of Interest Commissioner. Given that this matter was now developing a level of controversy in the public domain, a fact which was known to the Conflict of Interest Commissioner, she ought to have refrained from any comment to or interaction with the media.

3.20 Together, Mr. Speaker, all of these circumstances cumulatively give rise to a reasonable concern about the objective and impartial approach of the Conflict of Interest Commissioner regarding this complaint and investigation.

3.21 In the view of the committee, a reasonable, objective and informed person viewing these circumstances, would have a reasonable apprehension that the Conflict of Interest Commissioner may be bringing a biased perspective to the consideration of these matters. This is particularly the case when it was clear, in the view of the committee, that the relationship between the Minister and the Conflict of Interest Commissioner was at this point in time troubled or plagued with mutual difficulties.

3.22 The Conflict of Interest Commissioner and the Minister each adopted stances throughout this matter which tended to deflect their own respective responsibilities for matters and events. This does not speak well of either individual. However, the role of the Conflict of Interest Commissioner is to deal with all Members of the Legislative Assembly in a fair and helpful manner, irrespective of any challenges that a particular Member may pose in terms of his or her personal approaches.

3.23 In the view of the committee, the Conflict of Interest Commissioner did not rise to this standard, which the committee fully acknowledges is both difficult and challenging.

3.24 This being said, in the view of the committee, the Minister is not vindicated by this finding. Her actions throughout the matter were characterized by mistrust and preconceived notions regarding the competence of the Conflict of Interest Commissioner. While an objective and informed bystander would, in the view of the committee, have a reasonable basis to be concerned respecting bias of the Conflict of Interest Commissioner, the Minister to a large degree has been the author of her own misfortunes.

3.25 Given the objective standards required in the apprehension of bias analysis, this cannot detract from the finding of that reasonable apprehension, Mr. Speaker.

3.26 The actions of the Minister do not speak favourably of her as an elected Member and a representative of Cabinet in this government.

Part IV

Whether Inaccurate Submissions Were Made to the Special Committee by the Conflict of Interest Commissioner

4.1 Mr. Speaker, it was suggested through counsel for the Minister that there was a material discrepancy between the material filed on behalf of the Conflict of Interest Commissioner in her June 29, 2001, written submissions and the facts known to the Commissioner.

4.2 This issue revolves around the question of what information the Conflict of Interest Commissioner had in hand on or about March 15, 2001, arising from her discussions with Mr. Selleck. It again highlights the importance of Mr. Selleck providing information to the committee and the difficult position which arose as a result of his failure to do so, Mr. Speaker.

4.3 The Minister alleges that in the written submissions of the Conflict of Interest Commissioner, she flatly denies in strident language that she had any specific knowledge of the alleged infraction of the Minister arising from the March 15, 2001 conversation with Mr. Selleck. Yet the transcript of the taped telephone conversation between John Bayly, principal secretary, and the Conflict of Interest Commissioner, which occurred some eleven days later on March 26, 2001, clearly indicates that the Conflict of Interest Commissioner was in fact in possession of this information.

4.4 In assessing this issue, it was duly noted that the Minister had surreptitiously tape-recorded the March 26, 2001, telephone conversation and she had a transcript of this conversation. This was not a fact that was known to the Conflict of Interest Commissioner at the time of her making her submissions.

4.5 The Conflict of Interest Commissioner, in her evidence at the hearing of this matter, indicated that when she reviewed the submissions of the Minister and the allegation of the knowledge that the Conflict

- of Interest Commissioner had in hand from March 15, 2001, forward, she could not specifically recall these facts. If she had any recollection, it was to the contrary, namely that Mr. Selleck had not provided her with such information.
- 4.6 She stated in evidence before the committee that she contacted Mr. Selleck by telephone to see if he could apprise her as to what, if any, information he had imparted to her on March 15, 2001. She states that it was a result of these inquiries that her written submissions were drafted as presented to the committee.
- 4.7 The committee finds that the written submissions of the Conflict of Interest Commissioner provided to the committee June 29, 2001, were at best inconsistent on this point and at worst inaccurate.
- 4.8 However, the question of whether the submissions were inaccurate is not the crux of this matter, Mr. Speaker. Rather, the question is whether such submissions were intentionally misrepresentative.
- 4.9 The committee finds that there was no definitive evidence that the misrepresentations by the Conflict of Interest Commissioner were intentional or calculated to mislead the committee. The Conflict of Interest Commissioner did take steps to try and assist her own lack of clear recollection of these facts.
- 4.10 The committee does wish to state that given the absence of a clear recollection of the Conflict of Interest Commissioner on this important aspect, she would have shown better judgment to word her written submissions in a less strident and definite fashion. Such wording did not, in the view of the committee, advance the position of the Conflict of Interest Commissioner, nor did it reflect positively on her office which requires a high degree of professionalism, detachment and objectivity. Her choice of words did not in any way reflect her own uncertain recollection of the circumstances in question.
- 4.11 Similarly, the Minister ought to have exercised a high degree of caution before alleging inappropriate motives on the part of the Conflict of Interest Commissioner. The fact that the evidence supporting this allegation arose from a surreptitious tape recording speaks poorly of the Minister and reflects adversely on this government as a whole.
- are important to bear in mind, leading up to this event.
- 5.2 In particular, Mr. Speaker, on March 26, 2001, late in the afternoon, the Minister learned of a CBC Radio report which not only reported a breach of the conflict of interest obligations of the Minister, but which contained a voice clip of the Conflict of Interest Commissioner apparently commenting on the situation.
- 5.3 As a result of learning this, the Minister became very distressed and approached Mr. Bayly, principal secretary, for his advice. Mr. Bayly had some previous acquaintance with these issues, having in the week previous spoken to the Minister as to whether or not she should participate in the requested interview with Mr. Selleck of CBC, having discussed the interview with the Minister after it occurred (at which time the Minister learned of the infractions alleged by Selleck) and having contacted the Conflict of Interest Commissioner on or about March 23, 2001, on the matter generally. Mr. Bayly was therefore alive to the controversy which was now well underway concerning an alleged infraction by the Minister.
- 5.4 Upon learning of the contents of the 4:30 p.m. CBC Radio news broadcast, a hasty meeting was assembled, which included Mr. Bayly; Lynda Sorensen, chief of staff; Sheila Bassi, executive assistant to Minister Groenewegen; and April Taylor, director of communications. The 5:30 p.m. news broadcast was monitored and the parties discussed how the Minister should respond to this situation.
- 5.5 Mr. Bayly indicated in his evidence that he felt it was important to learn the context of Ms. Roberts' comments to the media which formed part of this news report. He also wanted to know whether an official complaint had been received by her as this was not clear from the broadcast as aired. Finally, he wanted to follow up on a question posed to the Conflict of Interest Commissioner during his conversation with her the previous week, namely whether the Minister was at liberty to publicly disclose the provisions of her blind trust agreement, as public knowledge of these provisions could assist the Minister in addressing this controversy.
- 5.6 The Minister in her evidence indicated that her agenda or objectives at this point in time were somewhat different than those indicated by Mr. Bayly. She stated that Mr. Bayly had advised her that in his prior conversations with the Conflict of Interest Commissioner the week before, Ms. Roberts had indicated to him her knowledge of the alleged infractions by the Minister. The Minister believed that Ms. Roberts' prior knowledge was a serious matter and indicated that any statements made to the media thereafter must necessarily be interpreted as referencing the Minister.
- 5.7 The Minister wanted to determine whether Ms. Roberts would repeat her prior statements to Mr. Bayly, confirming that she did indeed have this

Part V

Whether There Are Any Circumstances Which Would Explain the Apparent Error in Judgment Associated With the Minister's Tape Recording of the March 26, 2001, Telephone Conversation Between John Bayly, Principal Secretary, and the Conflict Of Interest Commissioner.

- 5.1 As indicated earlier in this report, a telephone conversation occurred on March 26, 2001, between John Bayly and the Conflict of Interest Commissioner. There are a number of facts, which

information in hand at an earlier stage. This evidence of the Minister was not clearly corroborated by Mr. Bayly.

- 5.8 It was known to those gathered as a result of listening to the radio news, that the CBC Northbeat television program to be aired at 6:30 p.m. on that day was going to deal with the Minister being in conflict in more detail. They seemed to be of the view that there was therefore only a small window of time to assess the various options and circumstances.
- 5.9 Mr. Bayly concluded that as the information he was seeking from the Conflict of Interest Commissioner would be important in deciding on a response to the situation, he would place a call to her to canvass these issues.
- 5.10 No one present appeared to clearly articulate his or her respective objectives in contacting the Conflict of Interest Commissioner by telephone, Mr. Speaker.
- 5.11 There were some serious conflicts in the evidence of different witnesses concerning the circumstances of the telephone call and the taping of it. The various versions provided in testimony before the committee may be summarized as follows:

a) John Bayly:

- It was his idea to contact the Conflict of Interest Commissioner by telephone to pursue the three questions he thought were important;
- The call was made from the Premier's office (the Premier being absent at the time) and the parties intended to use the video machine in his office to view and tape the 6:30 Northbeat program;
- He had a pen and paper with him to make notes of the conversation with Ms. Roberts;
- He cannot recall specifically who was in the room at the time the telephone call was made but it would have been some or all of Jane Groenewegen, Sheila Bassi, April Taylor and Lynda Sorensen;
- He was at the Premier's desk although he cannot recall what side of the desk he was sitting at (i.e. facing the door or facing the window);
- He placed the call using the hands free or speakerphone function of the telephone. He did not apprise Ms. Roberts at any point during the conversation that other persons were in the room;

- At some point well into the telephone conversation he noticed that Minister Groenewegen was tape recording the conversation. He did not apprise the Conflict of Interest Commissioner of this fact when he learned it;
- He indicated to the Conflict of Interest Commissioner that he was using the speakerphone function in the event that he needed to make notes;
- He acknowledged the Minister making a hand gesture to him to keep the conversation going;
- At the end of the telephone conversation there was no discussion among those present as to what, if anything, would be done with the tape of the conversation, nor was taping the conversation discussed in advance of the call being made.

b) Jane Groenewegen:

- Mr. Bayly was going to call the Conflict of Interest Commissioner to both determine whether the Minister could make public the provisions of her blind trust arrangement and to follow up on his prior conversation with her in which she indicated that she was aware of the directorship issue;
- She went to her office to get her handheld tape recorder as she intended from the outset to tape the conversation, although she did not specifically state this intention;
- Mr. Bayly dialed the Conflict of Interest Commissioner and the Minister set the tape recorder down on the desk beside the phone;
- Although she was not paying particular attention to who was in the room as she was focussed on the phone conversation, she believes Sheila Bassi, April Taylor and Lynda Sorensen were in the room during the call;
- She was standing beside Mr. Bayly during the course of the call and at one point, she made a hand gesture to him to keep the conversation with the Conflict of Interest Commissioner going in order to try and obtain the information from the Conflict of Interest Commissioner that she was seeking.

c) April Taylor:

- She felt that the telephone call was placed from Mr. Bayly's office and not the Premier's office. However, she indicated in response to questions, that due to the fact that the configuration of the two offices are identical, it is possible that the call was made from the Premier's office. She reported that part of her recollection that the call was placed from Mr. Bayly's office was on the basis of his being comfortably seated at the desk with his back to the window;
 - She noticed the Minister leave the room, presumably to retrieve her tape recorder from her office;
 - The call was placed by Mr. Bayly using the speakerphone function. She assumed that he would indicate to Ms. Roberts who was in the room and when he did not do so, she became very uncomfortable with the situation;
 - She distinctly recalls who was present and where they were seated or standing, partly because of her acute discomfort with the circumstances of the call. She recalls John Bayly sitting at the desk in the chair facing the door, Lynda Sorensen standing next to him at his left shoulder, the Minister being seated at the desk around the end of it, her (Ms. Taylor) being seated directly opposite to Mr. Bayly and Ms. Bassi being seated to her right;
 - She was of the view that the tape recorder would have been clearly visible to all those present in the room;
 - She felt that it was not her place to raise her concerns about the circumstances of the call or her discomfort with her superiors, particularly the principal secretary, the Deputy Premier or the chief of staff.
- d) Lynda Sorensen:
- She recalls the hasty assembling of John Bayly, Jane Groenewegen, Sheila Bassi and April Taylor as a result of the Minister's concerns regarding the CBC Radio news broadcast;
 - She recalls that a telephone call was made to Carol Roberts but she cannot recall seeing a tape recorder;
 - She was in and out of the room in which the call was occurring as she was expecting a call from the Premier and she was listening for another phone to ring;
 - Mr. Bayly was sitting in the chair at the Premier's desk with his back to the door as it is never Mr. Bayly's practice to sit in the Premier's chair;
 - She was not aware that those present in the room were not introduced to the Conflict of Interest Commissioner, and she did not know that the Conflict of Interest Commissioner was not made aware of their presence. In fact she assumed that this had been done. She did not introduce herself as being in the room at any point.
- 5.12 Mr. Speaker, it is always difficult to reconcile different versions of the same event, and the committee is aware that memory can be fallible and inaccurate.
- 5.13 On the basis of the evidence of all these various witnesses, the committee concludes that the tape recording of this conversation was not a premeditated occurrence. However, the fact that it did occur was easily known to those present.
- 5.14 It is possible that Mr. Bayly did not recognize that the call was being tape recorded until some point part way through the conversation. From the outset though, Mr. Bayly was in charge of the telephone call and he took no steps to apprise Ms. Roberts that others were listening in on the call. In fact at one point during the conversation, the following occurred:
- Ms. Roberts:** I said I have no knowledge of that. But I don't -- I said it's not up to me to investigate whether...Hello, are you still there?
- Mr. Bayly:** Yeah, I'm still here.
- Ms. Roberts:** Oh, sorry, I'm just hearing a beeping.
- Mr. Bayly:** Yeah.
- Ms. Roberts:** And, um, I said, I, I assume that when people come up with their disclosure statements -- are you still there, John? I am getting this...
- Mr. Bayly:** I am. There is something that sounds like a radio. Is it on yours?
- Ms. Roberts:** No, I, no, I'm sitting in a -- sort of having a meeting in a restaurant here.
- Mr. Bayly:** Oh well, it sounds like a restaurant to me. So maybe it is at your end somehow.

Ms. Roberts : Could be.

Mr. Bayly: I'm just on the speakerphone here so that I can take notes if I need to. (Emphasis added).

5.15 This exchange occurred after the point that Mr. Bayly acknowledged that he was aware that the telephone call was being tape-recorded. In his evidence before the committee, Mr. Bayly acknowledged that this statement to Ms. Roberts was a partial truth. He had elected to make the call on the speakerphone and not advise her of the presence of others.

5.16 When he realized that the call was being taped, he took no action to terminate the call. The statement to the effect that he was using the speakerphone so that he could take notes deliberately misinformed the Conflict of Interest Commissioner of the actual circumstances of the call.

5.17 There is also a conflict in the evidence as to whether Ms. Sorensen was present more or less throughout the telephone call. Given the consistency of the evidence of the other witnesses, this committee prefers their evidence to that provided by Ms. Sorensen.

5.18 The committee also finds it at best puzzling or unusual that Ms. Sorensen would, as she indicated in her evidence, accept a formal letter of reprimand for her involvement in this matter when, according to her evidence, she had no knowledge that the call was being tape recorded and had no knowledge that those present in the room had not been introduced to the Conflict of Interest Commissioner as being present.

5.19 In fact her evidence is that the contrary occurred and that she assumed that Ms. Roberts was in fact aware of others being present in the room. It challenges common sense to some degree that she would accept a reprimand for her conduct when, according to her, she was an entirely innocent bystander.

5.20 The committee was also persuaded by the evidence of Ms. Taylor, which was given in an extremely frank and forthright manner. The committee further appreciates the exceedingly difficult position that she would have been in during the course of this telephone call. It could not have been easy for her to provide evidence to the committee given the nature of the evidence in issue.

5.21 During the course of the evidence at the hearings, the committee learned the following additional facts, which it believes are very important to the comments that follow in this report, Mr. Speaker:

- Minister Groenewegen had previously surreptitiously tape-recorded an earlier telephone conversation with the Conflict of Interest Commissioner, which had occurred on or about January 7, 2001. The conversation was on the same tape used to tape the March 26, 2001, conversation;

- Minister Groenewegen felt entirely justified in taping this January conversation and felt that, as she only intended it for her own use, there was no harm associated with this action;
- That all present during the March 26, 2001, telephone conversation between Mr. Bayly and the Conflict of Interest Commissioner were aware that it had been tape recorded (with the possible exception of Ms. Sorensen whose evidence on this point, as previously indicated, is difficult to reconcile with that of other witnesses);
- That John Bayly and Lynda Sorensen became aware on or about July 6, 2001, that the fact of this secretly taped conversation would become known to the public at large as the Minister intended to refer to these circumstances in written submissions to be made to the special committee;
- John Bayly and Lynda Sorensen advised the Premier on July 6, 2001, of the secret taping of this conversation and the fact that it would soon become public;
- The Premier upon learning of this wanted, as apparently a first priority, to receive advice as to whether this was an illegal act;
- The Minister advised the Premier in passing on July 19, 2001, that she was turning over the tape as required to the law clerk and that there was another conversation on the tape. She did not clearly indicate to the Premier at this time that the other conversation was also a secretly taped conversation;
- That between March 26, 2001 and July 6, 2001, no mention was made nor action initiated by John Bayly, Lynda Sorensen (if indeed she knew of this having occurred) or Minister Groenewegen concerning the secret taping;
- Between July 6, 2001 and July 22, 2001 (the day before session was to open to deal with the report of the Special Committee on Conflict Process), no steps were taken by the Premier regarding the actions of secretly taping a telephone conversation with a statutory officer of the Legislative Assembly;

On Sunday, July 22, 2001, a number of events hastily occurred:

- A policy letter was circulated to Cabinet Members stating that taping telephone conversations without the knowledge of all parties to the call was not acceptable conduct by members of the government;
- A letter of reprimand was jointly addressed to John Bayly and Lynda Sorensen to be placed on their respective files. It should be noted, Mr. Speaker, that when these witnesses were

- requested to produce to the committee a copy of the letter of reprimand they declined to do so, claiming privacy rights with respect to this document.
- The Premier had a discussion with the Deputy Premier at the home of the Premier, at which time it was agreed that she would, the following day, provide him with her written resignation as Deputy Premier;
 - Given the absence of any action concerning the secret taping prior to this time, the multiple steps on this single day are indeed remarkable;
 - It appears that the Premier may not have learned until July 25, 2001, that there was in fact a further secretly taped telephone conversation between the Minister and the Conflict of Interest Commissioner. However, Ms. Sorensen in her evidence before the committee stated that she had reminded the Premier in Hay River on July 19, 2001, that the Minister had informed him of the second taping... [Hansard September 20, 2001, page 154.];
 - She further stated, when asked by Mr. Arvay, counsel for the Conflict of Interest Commissioner, when she became aware of the second taping, that it was on the 19th of July in Hay River [Hansard September 20, 2001, page 159]. It therefore appears that Ms. Sorensen knew of this fact on that date (namely July 19, 2001);
 - On July 23, 2001, the Premier made a statement in the House advising that the Minister had tendered her resignation as Deputy Premier. He stated that in her letter of resignation Ms. Groenewegen indicated that she exercised poor judgment by recording a telephone conversation on March 26, 2001, between the Principal Secretary and the Conflict of Interest Commissioner, Carol Roberts. [Hansard July 23, 2001, page 287.]; (emphasis added)
 - Ms. Sorensen in her evidence indicated that she would have reviewed the draft letter of resignation of the Deputy Premier prior to the Premier seeing the letter;
 - In addressing the debate in committee of the whole on July 23, 2001, the Premier spoke against continuation of the Special Committee on Conflict Process and its request for a continued and expanded mandate, which of necessity would include an examination of the actions of senior staff and the Minister respecting the secret taping of a telephone conversation with the Conflict of Interest Commissioner;
 - The Premier was aware at this point of time, of information that was not in the possession of any other Member of the House, with the exception of Minister Groenewegen: that the chief of staff and the principal secretary had been significantly involved in the events of March 26, 2001. This was not a fact known even to special committee members at the time of this debate;
 - In August Mr. Bayly offered his resignation to the Premier, and during the course of that conversation the Premier declined to accept the offer of resignation.
- 5.22 This series of events significantly and adversely reflects on the individuals directly involved in the taping of telephone conversations with statutory officers of the House and the broadcast of conversations to undisclosed listeners.
- 5.23 Mr. Speaker, the matter goes much beyond that. The absence of any action by the Premier on learning of these events early in July and the highly coincidental flurry of activity that can only be described as damage control the day before the session was scheduled to open, reveals that there appears to be no independent yardstick or compass of ethical conduct.
- 5.24 The primary concern of the most senior levels of this government in the Premier's office appears to have been to doctor the political spin.
- 5.25 There was no independent or early action to deal with improper conduct. Indeed, Mr. Speaker, the concern appeared to be with respect to the legality of the conduct and not the morality of it.
- 5.26 No letters of reprimand were issued at the earliest opportunity, no general policy letter about taping telephone conversations occurred immediately after the July 6, 2001 disclosure, no action of any kind was taken or wrongdoing acknowledged by senior staff during the months that preceded this disclosure.
- 5.27 Had the Minister not elected to make the taping of this conversation known in her written submissions to this committee, it is likely that no steps of any kind would have been taken.
- 5.28 It is, in the view of the committee, a poor measure of the moral standards of this government, and it reflects on all those who are associated with it, be they as elected Members or staff.
- 5.29 Mr. Speaker, the measure of moral conduct is not that which occurs when the world at large may be watching. The measure of moral conduct involves taking the right actions even when only those directly involved are privy to the circumstances.
- 5.30 Ethical behaviour is not behaviour that is undertaken for demonstration purposes. It is undertaken because it is right.
- 5.31 In the view of this committee, no acceptable circumstances were revealed which justify in any respect the actions of Minister Groenewegen in

secretly taping not one but two telephone conversations with the Conflict of Interest Commissioner.

- 5.32 In the view of this committee, no acceptable circumstances were revealed which justify the involvement of senior Cabinet staff in this matter at all, let alone in the manner in which they were actually involved.
- 5.33 Finally, in the view of this committee, no acceptable circumstances were revealed which explain the absence of immediate and determinative action to deal with these events on the part of the Premier once they became known.

Part VI

Other Issues of Integrity and Conduct

- 6.1 Mr. Speaker, in the view of the committee, it must report its comments concerning other circumstances which became apparent only during the course of hearings in this matter.

(a) The Conduct of Mr. Selleck and the CBC

- 6.2 It is clear, from the evidence heard by this committee, that Mr. Selleck was seeking a story regarding the potential infraction by Minister Groenewegen of conflict of interest obligations. In seeking an interview with the Minister, Mr. Selleck refused to disclose the nature of the issues and preferred instead to embark on a mission of surprise. The committee notes that the Journalistic Standards and Practice of the CBC states:

The information reports or reflects equitably the relevant facts and significant points of view, it **deals fairly and ethically with persons, institutions, issues and events.** (Emphasis added).

- 6.3 Mr. Selleck, in the manner in which he undertook this assignment, has trod perilously close to breach of these standards. At the very least, in the view of the committee, he has damaged his own credibility and that of the organization by whom he is employed.
- 6.4 As previously indicated, the information which Mr. Selleck could have provided to this committee was both important and instrumental respecting a number of critical factual issues. Mr. Selleck, both himself and through the representations of his legal counsel, refused to acknowledge the compelling nature of the invitation and summons served on him respecting these proceedings. He refused, through his counsel, to even provide the courtesy to the committee of advising whether or not he would attend or take issue with the request that he provide evidence. He saw fit to only articulate this position at the outset of the formal hearings, Mr. Speaker.
- 6.5 When afforded the opportunity to specify the framework of his claim to journalistic privilege by

answering questions which would tend to establish, or not, the legitimacy of such a claim, he chose not to do so. Mr. Selleck went so far as to refuse to even be sworn in before the committee.

- 6.6 Mr. Selleck and his counsel appeared not to appreciate that the claim of privilege is not one which applies, automatically or otherwise, to proceedings before a parliamentary committee. They unfortunately did not take the time or make the effort to apprise themselves of the nature and authority of such proceedings. Had they done so, they would have learned that not only is journalistic privilege not applicable in these proceedings, such well-protected privileges as solicitor-client privilege do not stand in this arena.

- 6.7 The refusal of a witness to answer questions before a duly constituted parliamentary committee is a serious affront to the dignity of the parliamentary process. The authorities on this matter, Mr. Speaker, are abundant and clear, and I am quoting from Erskine May, Parliamentary Practice, 22nd Edition, page 109 through 110:

Witnesses who have refused to be sworn or take upon themselves some corresponding obligation to tell the truth, who have refused to answer questions, who refused to produce or destroyed documents in their possession, who have prevaricated, given false evidence, wilfully suppressed the truth, or persistently misled a committee have been considered guilty of contempt.

Also, Mr. Speaker, from Maginot, Parliamentary Privilege in Canada, 2nd Edition, page 193:

The penal jurisdiction of the House is not confined to its own Members. Nor is it confined to offences committed in the immediate presence of the House by its Members; it is extended to all contempts of the House, whether committed by a Member or by persons who are not Members and whether or not the offence constituting the contempt was committed within the House or beyond its walls.

Additionally, Mr. Speaker, from Beauchesne's Parliamentary Rules and Forms, 6th Edition:

862 Witnesses must answer all questions directed to them even over their objection that an answer would incriminate them.

863 A witness is, however, bound to answer all questions which the committee sees fit to put, and cannot be excused, for example, on the ground that there could be a risk of a civil action, or because an oath has been taken not to disclose the matter under consideration, or because the matter was a privileged communication such as that between a solicitor and a client, or on

- the grounds of advice from counsel that the question cannot be answered without risking self-incrimination or a civil suit, or that it would prejudice a defence in pending litigation, some of which would be sufficient grounds of excuse in a court of law. Nor can a witness refuse to produce documents on the grounds of an instruction from a client that they not be disclosed without the consent of the client.
- 6.8 Mr. Speaker, as a result of these apparently ill-informed actions, Mr. Selleck is at risk of sanction by the House.
- 6.9 The committee has the power to recommend sanctions to the House and these sanctions are very broad. Mr. Selleck categorically refused to testify and to submit to the taking of an oath. This action is contemptuous of the committee and of the House itself which duly constituted the committee. The committee could make this matter the subject of a separate report to the House and recommend appropriate sanctions. The committee has chosen however to deal with the more significant issues and not waste the valuable time and resources of the House on a contemptuous act that is based more in ignorance than malice. It is however indicative of a reporter and media corporation that simply lack both in professionalism and a fundamental understanding of civics and the democratic values that underpin our system of governance.
- 6.10 It further considers that the damage caused by Mr. Selleck to his own credibility and that of his employer, the CBC, is sufficient sanction and one of which he and they are the sole architects.
- (b) **Conduct of Minister Groenewegen**
- 6.11 It goes without saying that the public at large is entitled to expect a higher level of ethical conduct than what has been demonstrated by the Minister throughout this matter. Her secretive taping of telephone conversations is, in the view of the committee, inexcusable. As well, her single-minded pursuit of her issues with the Conflict of Interest Commissioner do not speak to a professional and mature approach to serious government responsibilities. Her actions have assisted this government in being side tracked and diverted by concerns that are essentially those of the Minister and not those of the government as a whole. She can fairly share in the responsibility for significant costs, time and energy being devoted to this matter.
- 6.12 Furthermore, Mr. Speaker, the Minister can take responsibility for a serious absence of duly informing the Premier on July 19, 2001, of the full contents of the tape recording which would thereafter form part of the record of the proceedings of this committee. She neglected to advise him in any appropriate detail of the contents of the tape. As a result, the Premier did not have in hand a complete picture of these circumstances when he addressed the House on July 23, 2001.
- 6.13 Minister Groenewegen is therefore directly responsible for full information not being provided to the House at a time when these events were fully known to her. She chose instead, for reasons that are best known to her, to ignore the fact that secret tapings of telephone conversations had occurred on more than one occasion.
- 6.14 She was content with the House being advised of part, but not all, significant information concerning such matters. Despite her being of the view that the taping of the January telephone conversation was justified and irrelevant does not detract from the fact that such conduct is completely inappropriate for government Ministers or Members of this Assembly.
- (c) **Conduct of the Conflict of Interest Commissioner**
- 6.15 This committee was both distressed and discouraged by the evidence outlining various aspects of conduct of the Conflict of Interest Commissioner, and indeed with the manner in which she provided evidence to this committee. There appeared to be a pattern of passivity and a reluctance on the part of the Commissioner to be actively and energetically engaged in the issues affecting Members of this Assembly. She has failed to systematically meet with Members since her appointment to review and advise on their affairs. Mr. Speaker, she has left it entirely to Members, in particular Ms. Groenewegen, to seek out expert advice and she saw no role for herself in facilitating this in any fashion.
- 6.16 She minimized her responsibilities in dealing with Members and maximized to an inappropriate degree their individual responsibilities without clear or articulated advice on her part. She apparently kept no notes of important meetings with Members or other circumstances. She exercised poor judgment in agreeing to deal with the media when there was a clear and public controversy developing concerning Minister Groenewegen.
- 6.17 She failed to give notice of potential sections of the act that may have been breached by the Minister in both the Miltenberger and Rowe investigations.
- 6.18 She appears to have misconceived the ability of the House to impose sanctions upon her dismissal of the Miltenberger complaint. Her decision in the Rowe investigation appears to impose a result not contemplated in any respect by the governing legislation.
- 6.19 With respect to these proceedings, she approved written submissions placed before this committee which used strident and aggressive language. She did so having previously complained that the proceedings of this committee were unduly adversarial in nature. It appeared at times that her availability to attend before the committee was to be a negotiated item rather than one of duty or responsibility as a statutory officer of the House. She refused to attend a scheduled hearing of this committee July 12, 2001, on the basis of her view that her then legal counsel were being ill treated in their contract negotiations for payment.

- 6.20 Mr. Speaker, her evidence before the committee was often inconsistent and lacked the clarity and articulation one would normally expect from a person occupying this position with the education and work experience attributable to this Commissioner.
- 6.21 While her legal counsel has been careful to point out that this process was not about a review of the competency of the Conflict Commissioner nor a performance appraisal of her to this point, the committee cannot ignore these facts and cannot fail to report to the House its significant concerns respecting same. To do so would ignore a large part of the serious facts placed before the committee in its hearing, and would ignore the conduct of the Commissioner during the course of these proceedings.
- 6.22 The committee is of the view that it would be remiss in its obligations to Members generally, and to the House, should it fail to report these serious concerns which were unanimously voiced by committee members.
- (d) **The Conduct of Senior Cabinet Staff**
- 6.23 Quite apart from the question of individuals' involvement in clandestine taping of telephone conversations, a number of actions were revealed before this committee which it feels are worthy of comment. These include, Mr. Speaker:
- The fact that Mr. Bayly and Ms. Sorensen saw fit to refuse to acknowledge the legitimacy of the invitation and summons served on them to attend before the committee and give evidence;
 - Each Mr. Bayly and Ms. Sorensen disclosed documents relevant to matters being considered by the committee only during the course of their testimony. Interestingly enough, for individuals in the habit of keeping careful and copious notes, no notes were apparently taken or kept regarding the events of March 26, 2001. Each witness was obliged by the terms of the invitation to attend and summons to review and produce all relevant documents that they might have in their possession touching on matters to be considered by the committee. The committee is uncertain as to whether both individuals either failed to take such obligations seriously or failed to meet the standards expected of witnesses attending before a legislative committee.
 - Each Mr. Bayly and Ms. Sorensen, either through themselves or through counsel, refused in the face of specific requests by the committee to produce copies of the letter of reprimand apparently delivered to them on the part of the Premier. This leaves lingering doubts, where there should be none, as to the existence of or content of their letter of reprimand and whether it truly addressed the issues of the conduct in question;
- Ms. Taylor was advised by government legal counsel to provide no information that may tend to reveal Cabinet confidences. Similarly such claims of Crown privilege do not necessarily apply when relevant information is sought which might otherwise be the subject of Crown privilege.
- 6.24 Mr. Speaker, it is difficult for this committee to report that senior officials have adopted an approach of cooperation, transparency and open government in the face of these facts. Rather, the overwhelming impression left was that of reluctant involvement based on political self interest, the selective production of documents and the, at times, opportune absence of memory or clear recollection.
- 6.25 This committee is of the view that the requested jointly addressed letter of reprimand is not protected by privacy interests as alleged on behalf of Ms. Sorensen and Mr. Bayly. This refusal is considered to be a very serious issue by the committee and a complete disregard by these public servants of the privileges, power and authority of this committee. Mr. Speaker.
- 6.26 In addition, Ms. Sorensen appears to have been aware of the fact that there was a second tape recorded telephone conversation between the Minister and the Conflict of Interest Commissioner. Knowing this, she did not take steps to advise the Premier of this situation or correct his statement to the House on July 23, 2001, which referred to only one taped conversation.
- 6.27 The Premier has a right to rely and depend on full and accurate information being provided to him. Similarly, he must ensure that staff who are directly answerable to him are aware of and abide by such standards.
- 6.28 The committee questions as well the level of involvement of staff in the Premier's office respecting a conflict of interest matter affecting a particular Member, whether or not they are a member of Cabinet. While the situation is no doubt a difficult one for staff in dealing with, in this case the Deputy Premier, one has to expect that senior level staff are capable of making appropriate decisions as to those issues which they should or should not be involved in.
- 6.29 The responsibility for not only the actions of senior officials, but their response to this committee, lies squarely with the Premier. They occupy the most senior civil servant levels in this government. It is only the Premier who can be answerable and accountable for this conduct. It is similarly only the Premier who, in the face of the facts now widely known, who can attempt to restore public confidence in the integrity and standards of this government. In the view of this committee, to leave such conduct without any further redress is, in fact, to condone it.

(e) **Conduct of the Premier**

6.30 Although the Premier appeared to view his position in this matter as detached and peripheral, in the view of the committee there are significant concerns arising out of the facts ascertained at the hearing in this matter:

- The initial and primary concern of the Premier when learning of these events appeared not to be the unethical and unacceptable nature of the conduct, but rather whether these individuals could be accused of illegal activity;
- The Premier was aware on July 6, 2001, when he was advised by both Mr. Bayly and Ms. Sorensen that the secret taping of a telephone conversation with a statutory officer of the House had occurred. Despite this knowledge and the public statements considerably after the fact that such conduct is not acceptable and reflects poorly on this government, no action was taken at the time to address the matter.
- If such action was indeed so unacceptable in the opinion of the Premier, the committee must seriously question why immediate steps were not undertaken. In the view of the committee, the flurry of activity which occurred July 22, 2001, is more than coincidental.
- On July 23, 2001, in the House the Premier spoke strongly against this committee continuing its work when he was in possession of knowledge available to no other Member other than Minister Groenewegen. Only Stephen Kakfwi and Jane Groenewegen knew of the involvement of the chief of staff in the March 26, 2001, secret taping. The implication of his chief of staff in these events should have required at least disclosure of that fact during the course of debate. Instead, in the view of the Premier, and I am quoting:

There are things that were uncovered in the course of the work. I do not know what they are. The public does not know what they are. There are some innuendoes and suggestions made, [but] they do not appear to be substantial. If there are issues considering conduct, that is for the Board of Management or perhaps myself as Premier, to deal with. [Hansard, July 23, 2001, page 299].

6.31 At the very least, the Premier did in fact know that the chief of staff was involved in a secretive taping of a telephone conversation. He knew or ought to have known that this was substantial and serious. When the Premier suggested that instead the Board of Management should deal with matters, he must be taken to have known that this entity could not hear witnesses or examine evidence. In fact the board's ability to deal with senior Cabinet staff is virtually

non-existent. The Premier's lack of action and unwillingness to disclose his staff's involvement with such activity is at direct odds with open and transparent government.

Part VII**Conclusions**

7.1 Mr. Speaker, as the various events and facts of this matter are complex, and the time at which certain events occurred is important, a time line showing significant occurrences with the bias allegations and telephone taping are attached to this report.

7.2 The public's confidence in its elected representatives places a high demand on not only the Members and our Ministers, but also in senior officials of our government. Conflict of interest legislation does not necessarily have as its primary purpose the improvement of the ethical standards of legislators. Most commentators would agree that the majority of public office holders are decent, hard working men and women who do their best to serve the public interest, as they understand it.

7.3 Conflict of interest legislation is largely intended to assist elected representatives by providing an objective standard against which they may gauge their actions, and satisfy themselves and the public that they are acting appropriately. This rationale was aptly described by the Ontario Ethics Commissioner in 1996, and I quote:

The primary purpose of integrity legislation is not to promote high ethical standards among members, all of whom, we expect, having chosen to aspire to public office, possess the necessary moral qualities that entitle them to be referred to as honourable members in the Legislature or Parliament. Rather it is a standard against which the ever increasingly cynical and suspicious press and public may measure their behaviour in office. It may not appease the more rabid critics, but it will serve as a source of satisfaction to the member whose conduct is under attack to know that it meets the standard by which his peers are also judged.

7.4 Mr. Speaker, the committee wrestled with the challenge of weighing up the evidence from the five days of public hearings, the volumes of submissions and replies submitted by the Minister and the Conflict of Interest Commissioner to reach conclusions to recommend to the Legislative Assembly.

7.5 The challenge of this one special committee to provide to the Legislature and the public recommendations that would assist with restoring the confidence in and integrity of government and statutory officers proved to be one that was truly necessary to undertake.

7.6 Members of the committee viewed their obligation to assess the apprehension of bias issue extremely seriously. The office of the Conflict of Interest Commissioner is one which occupies both a sensitive and responsible position, one which must both work with and be detached from Members. However, the committee was obliged to resolutely review all facts and allegations.

7.7 The committee was drawn to the Members' Conduct Guidelines, which are etched in glass outside this Chamber. These guidelines were provided to every one of us when we were first elected to the 14th Legislative Assembly, and these guidelines should be held higher than they have been in recent times. We are of the view that the following portions of the guidelines are appropriate and bear repeating, Mr. Speaker:

As a legislator, I will do my best to fulfill my duties to the Legislature, the public and my constituents and my colleagues with integrity and honour;

To my constituents, I owe my best efforts at effective representation, as well as accountability, honesty, fairness and courtesy;

To the Legislature, I owe respect, as well as dedication to my role in ensuring integrity of our government and in earning, through my actions, the confidence of people;

To the public, I owe a responsibility to work for the well-being of all residents of the Northwest Territories;

To my colleagues, I owe fairness and respect for our differences, and the duty to work together with goodwill for the common good.

7.8 Mr. Speaker, integrity, honesty, accountability and moral conduct are indeed lofty principles and ones that we know that voters would like to see in the individuals that are fortunate to be elected to the Legislative Assembly. One assumes that once elected that we do not lose these qualities. Furthermore, some of us are singled out by our colleagues to take on responsibility as Premier and Ministers of the government. This places these individuals on a higher plane where the standard of integrity and conduct are even more important and their actions must demonstrate those principles.

7.9 Mr. Speaker, democracy is founded on the principles of equality and respect for all individuals, which can be referred to as mutual respect. Mutual respect means that we owe the same consideration to others when making decisions that affect them as we feel we are owed when others make decisions that affect us. Some have indicated that there are five principles of democracy that follow from mutual respect: social equality, deference to the majority, minority rights,

freedom, and integrity, Mr. Speaker. A familiarity with these principles provides a foundation for judging ethical behaviour in the public sphere and for resolving ethical dilemmas in a democratic context.

7.10 These five key principles of democracy imply certain ethical duties on the part of public officials and in this case the Premier, Minister, Conflict of Interest Commissioner, principal secretary and chief of staff. First, they have a responsibility to act as impartially as possible when carrying out their duties, especially those established by law. Second, they are acting as trustees for the entire citizenry, and therefore they have a fiduciary responsibility not to abuse that trust. Third, they have a duty to account for their activities and decisions.

7.11 As indicated, the committee undertook an impartial process where all parties to the issues had an opportunity to present their perspectives fully. The Assembly can be assured that the committee considered the issues in a fashion that was free from bias.

7.12 While the committee attempted to narrowly articulate its mandate for the purposes of the hearing to be conducted, it is apparent that as result of the hearing, important facts and circumstances were revealed. Therefore, in the view of the committee, in order to responsibly complete its tasks, it must report on all such matters that it considers significant and to make recommendations that it feels must be made arising from these matters.

7.13 Both elected Members and members of the public have had occasion to question the expenditure of time and money in this matter. However, when a question of apprehension of bias is raised regarding a statutory officer of this Legislature, and one who is charged with the responsibility of both advising Members on conflict matters and investigating conflict complaints, it is a matter of significant public interest that those concerns be resolved. The public must have confidence in the fulfillment of these very important obligations as they represent a cornerstone in the foundation of integrity of elected officials.

7.14 Mr. Speaker, the obligation of this committee to continue its work became even more pressing when the early facts regarding the March 26, 2001, tape recorded conversation became known. This was not an issue that could be ignored as it reflected so directly on the standards of this government.

Part VIII

Recommendations

CBC and Lee Selleck

8.1 When a committee of this Legislature is mandated to undertake certain tasks, it has a broad ambit of authority to do so. This authority rests in age old principles of parliamentary privilege. Those principles exist and historically have been used to ensure that

the government of the nation can properly undertake its responsibilities to its citizenry.

- 8.2 When a witness or person requested to attend before a committee duly constituted chooses to ignore both the authority of that process and the reasons for it, it is a matter of utmost seriousness.
- 8.3 The actions of Mr. Selleck are a breach of the well-established constitutional privileges of the Assembly and amount to a clear and deliberate contempt of its authority and proceedings.
- 8.4 However, after careful reflection, this committee has chosen not to request the House to embark in a sideline dispute with either Mr. Selleck or the CBC.
- 8.5 The relationship between elected Members and those of the media ought to be characterized by mutual respect and propriety. In the view of this committee, the actions of Mr. Selleck reflected neither of those qualities. Mr. Selleck's credibility and that of the CBC has been seriously damaged in the process, Mr. Speaker.
- 8.6 This situation may have been different had either Mr. Selleck or his legal counsel taken time to apprise themselves of the most fundamental aspects of parliamentary privilege and journalistic conventions.
- 8.7 The consequences of their own actions on their reputations may well be much more far reaching than any specific sanctions by this House.
- 8.8 Any relationship between media and politicians to some degree rests on both good will and respect for the institutions they represent. When either of those aspects is absent, the relationship will necessarily suffer and one or the other of the institutions is diminished, Mr. Speaker. Unfortunately in this case, the committee is of the view that the CBC is unnecessarily diminished.

Recommendation 1

This committee therefore recommends that no further formal action be taken with respect to Mr. Selleck and the CBC.

Minister Jane Groenewegen

- 8.9 The committee does not propose to reiterate its findings earlier in this report concerning the actions of Minister Groenewegen. It has reported that in the view of the committee, her actions have fallen far short of those standards expected of members of Cabinet.
- 8.10 The public cannot maintain confidence in this government when the standards which were adopted by the Minister remain without censure and resolution. The resignation of Ms. Groenewegen as Deputy Premier, in the view of the committee, does not adequately address the gravity of her actions.
- 8.11 The committee was further struck during the evidence of Ms. Groenewegen in the hearings in that

it demonstrated a remarkable scarcity of remorse or critical self-reflection.

- 8.12 For these reasons, the committee is of the view that the confidence of the House can no longer be reposed in this individual as a member of Cabinet.

Recommendation 2

This committee recommends that the adoption of this report be deemed to be a resolution of the House of censure and want of confidence in the Minister and that she submit her resignation forthwith.

Conflict of Interest Commissioner, Carol Roberts

- 8.13 This committee has reported above its serious concerns respecting the actions and inaction of this Conflict of Interest Commissioner. This office requires an extremely high standard of judgment and engagement with Members. The function of the office contributes to both elected Members and the public at large having an appropriate working knowledge of the standards expected, Mr. Speaker.
- 8.14 The relationship between Members and the Conflict of Interest Commissioner correspondingly requires a high degree of confidence in her experience, approach, judgment, availability and perspective.
- 8.15 The concerns related above in this report reveal an absence of some of those essential qualities to a degree which erodes beyond acceptable limits the confidence of Members in her continued role as Conflict of Interest Commissioner.

The act states that:

- s. 91(3) Subject to section 92, the Conflict of Interest Commissioner holds office during good behaviour for a term of four years.
- s. 92(1) The Conflict of Interest Commissioner may resign at any time by notifying the Speaker in writing or, if the Speaker is absent or unable to act or the office of the Speaker is vacant, by so notifying the Clerk.
- s. 92(2) The Commissioner, on the recommendation of the Legislative Assembly, may, for cause or incapacity, suspend or remove from office the Conflict of Interest Commissioner.

- 8.16 Mr. Speaker, in the view of this committee, the actions of the Conflict of Interest Commissioner in this matter and generally detailed in this report constitute cause and reflect the unacceptable erosion of confidence in her management of these difficult and important responsibilities. The relationship between Members and the Conflict of Interest Commissioner has, in our view, broken down to a degree that it cannot reasonably be

rehabilitated. In the absence of such a relationship, the capacity of the Conflict of Interest Commissioner to carry out the responsibilities of office is wanting. For these reasons:

Recommendation 3

This committee recommends that the adoption of this report be deemed to be a resolution of the House authorizing and confirming the following:

- a) That the Legislative Assembly has lost confidence in Carol Roberts as Conflict of Interest Commissioner;
- b) That the Legislative Assembly requests Ms. Roberts to submit her resignation to the Speaker on or before October 27, 2001; and
- c) Failing provision of the resignation as requested, the Legislative Assembly recommends to the Commissioner of the Northwest Territories that Ms. Roberts be removed from the office of the Conflict of Interest Commissioner pursuant to section 92(2) of the Legislative Assembly and Executive Council Act.

Restoring Integrity to the Office of the Premier

- 8.17 In our unique system of government in the Northwest Territories, Members work on a basis of consensus and partnership. In such a system by convention, the Legislative Assembly elects the Premier. In doing so, Members of the Assembly repose their trust, a trust which has been placed in them by the electorate, in the Government Leader.
- 8.18 This trust has, as its foundation, the confidence that the leader of our government will undertake his or her responsibilities with dignity and integrity. The Premier is therefore charged not only with maintaining and safeguarding the trust of elected Members, but more importantly, Mr. Speaker, that of the citizens of the Northwest Territories.
- 8.19 The Premier must engage the assistance of others to contribute to the many responsibilities of that office, while never forgetting that it is he who is accountable to the public and he who must bear ultimate responsibility for their conduct. He has the authority and the discretion to engage persons who are best suited to these important tasks. In doing so, the standards, practices and conduct of persons occupying the positions of principal secretary and chief of staff must reflect those of the government and those which the Members, officers of the House and the electorate fairly expect and require.

- 8.20 It is the firm expectation of this committee that the Premier has no option but to take immediate steps that will demonstrate the commitment of this government to high standards of practice and conduct, standards which the electorate has every right to expect and indeed assume.
- 8.21 The provision of a jointly addressed letter of reprimand to Mr. Bayly and Ms. Sorensen, a document which both individuals refused to produce to the committee, falls far short of the required action. This refusal is capable of a finding of contempt by the House should this committee have so requested that action.
- 8.22 This committee is of the view that the Premier should require the resignations of John Bayly, principal secretary, and Lynda Sorensen, chief of staff. In the view of the committee, the gravity of the actions of these individuals requires a comparable response by the Premier which reflects the seriousness of these issues.

Recommendation 4

The committee recommends that the Premier take immediate action to regain the confidence of the public and all Members in the integrity of government and the standards of all persons within government as this action is essential in order that the Premier retain the confidence of the House.

Part IX

Final Comment

- 9.1 Mr. Speaker, while this committee's mandate is concluded with the presentation of this report, the work of government must continue.
- 9.2 Measures must be taken so that the confidence in the integrity and standard of government by the public can again be well placed in those who undertake their work for the benefit of the people of the Northwest Territories.

Mr. Speaker, that concludes the report of the Special Committee on Conflict Process. Therefore I move, seconded by the honourable Member for Inuvik Boot Lake, Mr. Roland, that the report of the Special Committee on Conflict Process, entitled Confidence in the Integrity and Standard of Government, be received by the Legislative Assembly and moved into committee of the whole for consideration. Thank you. Mr. Speaker.

MR. SPEAKER: Thank you, Mr. Bell. We have a motion. The motion is in order. To the motion. Question has been called. All those in favour? Thank you. All those opposed? Thank you. The motion is carried. The report will be moved into committee of the whole for consideration. Item 11, reports of standing and special committees. Item 12, reports of committees on the review of bills. The honourable Member for Thebacha, Mr. Miltenberger.

ITEM 12: REPORTS OF COMMITTEES ON THE REVIEW OF BILLS

Bill 5: An Act to Amend the Education Act

Bill 7: Powers of Attorney Act

MR. MILTENBERGER: Thank you, Mr. Speaker. I wish to report that the Standing Committee on Social Programs has reviewed Bill 5, An Act to Amend the Education Act and Bill 7, Powers of Attorney Act and wishes to report that Bills 5 and 7 are ready for consideration in committee of the whole. Mr. Speaker, I seek unanimous consent to waive Rule 70(5) and have Bills 5 and 7 ordered into committee of the whole for today.

MR. SPEAKER: Thank you, Mr. Miltenberger. The honourable Member is seeking unanimous consent to waive Rule 70(5) and have Bills 5 and 7 ordered into committee of the whole for today. Are there any nays? There are no nays. Item 12, reports of committees on the review of bills. The honourable Member for Frame Lake, Mr. Dent.

Bill 6: National Aboriginal Day Act

MR. DENT: Thank you, Mr. Speaker. Mr. Speaker, I wish to report to the Legislative Assembly that the Standing Committee on Accountability and Oversight has reviewed Bill 6, National Aboriginal Day Act and wishes to report that Bill 6 is ready for consideration in committee of the whole.

MR. SPEAKER: Thank you, Mr. Dent. Item 12, reports of committees on the review of bills. The honourable Member for Inuvik Boot Lake, Mr. Roland.

Bill 8: An Act to Amend the Motor Vehicle Act

MR. ROLAND: Thank you, Mr. Speaker. On June 14, 2001 Bill 8, An Act to Amend the Motor Vehicle Act, received second reading and was referred to the Standing Committee on Governance and Economic Development. Mr. Speaker, I seek unanimous consent to waive Rule 70(1) respecting the 120-day review period to allow the committee to conclude its review and report back to the House no later than November 2, 2001. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Mr. Roland. The honourable Member is seeking unanimous consent to waive Rule 70(1) respecting the 120-day review period to allow the committee to conclude its review. Are there any nays? There are no nays. The honourable Member for Inuvik Boot Lake, Mr. Roland.

Bill 9: Commercial Vehicle Trip Permit Act

Bill 10: Public Highway Improvement Fund Act

MR. ROLAND: Mr. Speaker, I wish to report to the Legislative Assembly that the Standing Committee on Governance and Economic Development has reviewed Bill 9, Commercial Vehicle Trip Permit Act and Bill 10, Public Highway Improvement Fund Act and wishes to report Bills 9 and 10 to the Legislative Assembly with the recommendation that the Legislative Assembly not proceed further with these bills. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Mr. Roland. Item 12, reports of committees on the review of bills. The honourable Member for Frame Lake, Mr. Dent.

Bill 13: An Act to Amend the Income Tax Act, No. 2

MR. DENT: Thank you, Mr. Speaker. Mr. Speaker, I wish to report that the Standing Committee on Accountability and Oversight has reviewed Bill 13, An Act to Amend the Income Tax Act, No. 2 and wishes to report that Bill 13 is ready for consideration in committee of the whole as amended and reprinted. Mr. Speaker, I seek unanimous consent to waive Rule 70(5) and have Bill 13 ordered into committee of the whole for today.

MR. SPEAKER: Thank you, Mr. Dent. The honourable Member is seeking unanimous consent to waive Rule 70(5) and have Bill 13 ordered into committee of the whole for today. Are there any nays? There are no nays. Item 12, reports of committees on the review of bills. The House will take a break. We shall rise and report back at the call of the Chair.

-- Break

MR. SPEAKER: The House will now come back to order. Item 13, tabling of documents. The honourable Member for Weledeh, Mr. Handley.

ITEM 13: TABLING OF DOCUMENTS

Tabled Document 38-14(4): Government of the Northwest Territories Interim Financial Report for the Year Ended March 31, 2001

HON. JOE HANDLEY: Thank you, Mr. Speaker. Mr. Speaker, I have two documents for tabling today. Mr. Speaker, I wish to table the following document entitled Government of the Northwest Territories Interim Financial Report for the Year Ended March 31, 2001.

Tabled Document 39-14(4): Comprehensive Response to Committee Report 1-14(4): Report on the Review of the Auditor General's 1999-2000 Annual Report

Mr. Speaker, I also wish to table the following document entitled Government of the Northwest Territories Comprehensive Response to the Report on the Review of the Auditor General to the Northwest Territories Legislative Assembly for the Year 1999. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Minister Handley. Item 13, tabling of documents. The honourable Member for Nahendeh, Mr. Antoine.

Tabled Document 40-14(4): Comprehensive Response to Committee Report 2-14(4): Report on the Review of the ATIPP Commissioner's Annual Report 1999-2000

HON. JIM ANTOINE: Thank you, Mr. Speaker. Mr. Speaker, I wish to table the following document entitled Response to the AOC Report on the Review of the Access and Privacy Commissioner's Report, 1999-2000. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Minister Antoine. Item 13, tabling of documents.

Tabled Document 41-14(4): Commissioner's Declaration on Assenting to Bill 2: An Act to Amend the Income Tax Act

Members of the House, I wish to table the Commissioner's Declaration of Assent to Bill 2, An Act to Amend the Income Tax Act, dated September 25, 2001.

Tabled Document 42-14(4): Report of the Independent Commission on MLA Compensation

I have the honour of tabling the Report of the Independent Commission on Members' Compensation, dated October 1, 2001.

Tabled Document 43-14(4): Conflict Commissioner's Report, re Allegations Against the Member for Tu Nedhe

In accordance with section 102(2) of the Legislative Assembly and Executive Council Act, I wish to table the report of the Conflict of Interest Commissioner in the matter of allegations against the Member for Tu Nedhe.

Tabled Document 44-14(4): Annual Report of the Access to Information and Protection of Privacy Commissioner for the Year 2000-2001

In accordance with section 68 of the Access to Information and Protection of Privacy Act, I wish to table the Annual Report of the Information and Privacy Commissioner for the Year 2000-2001.

Tabled Document 45-14(4): Letter Dated August 1, 2001 to the Speaker From the Conflict of Interest Commissioner re Complaint Against the Member for Hay River

In accordance with section 102 of the Legislative Assembly and Executive Council Act, I wish to table a letter dated August 1, 2001, from the Conflict of Interest Commissioner which forms part of her report in the matter of allegations against the Member for Hay River South.

Tabled Document 46-14(4): Legislative Assembly Retirement Allowance Fund Financial Statements for the Year Ended March 31, 2001

Further, in accordance with section 21 of the Legislative Assembly Retiring Allowance Act, I wish to table the financial statements for the Legislative Assembly Retiring Allowance Fund for the year ending March 31, 2001, in English and in French.

Tabled Document 47-14(4): Pension Administration Report as at March 31, 2001

In accordance with the provisions of the Legislative Assembly Retiring Allowance Act and the Supplementary Retiring Allowance Act, I wish to table the pension administration report as of March 31, 2001.

Item 13, tabling of documents. Mr. Clerk.

Tabled Document 48-14(4): Response to Petition 2-14(4): Amendment to the Northwest Territories Liquor Act and Regulations

CLERK OF THE HOUSE (Mr. Hamilton): Mr. Speaker, in accordance with Rule 42(10), I wish to table a response to

Petition 2-14(4), presented by the Member for Great Slave, Mr. Braden, and responded to by the Minister of Finance.

MR. SPEAKER: Thank you, Mr. Clerk. Item 13, tabling of documents. Any further tabling of documents? Item 14, notices of motion. Item 15, notices of motion for first reading of bills. The honourable Member for Weledeh, Mr. Handley.

ITEM 15: NOTICES OF MOTION FOR FIRST READING OF BILLS

Bill 15: Supplementary Appropriation Act No. 3, 2000-2001

HON. JOE HANDLEY: Mr. Speaker, I give notice that on Thursday, October 25, 2001, I will move that Bill 15, Supplementary Appropriation Act, No. 3, 2000-2001, be read for the first time. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Minister Handley. Item 15, notices of motion for first reading of bills. Item 16, motions. Item 17, first reading of bills. Item 18, second reading of bills. Item 19, consideration in committee of the whole of bills and other matters; Ministers' Statements 1-14(4), 3-14(4), 4-14(4), 30-14(4), 31-14(4), Bills 5, 7 and 13, with Mr. Krutko in the chair.

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

CHAIRMAN (Mr. Krutko): I would like to call committee of the whole to order. We have several matters on the order paper. What is the wish of the committee? Mr. Roland.

MR. ROLAND: Thank you, Mr. Chairman. I move we report progress.

CHAIRMAN (Mr. Krutko): There is a motion to report progress. The motion is non-debatable. All those in favour? All those against? The motion is carried. I will rise and report progress.

MR. SPEAKER: The House will come back to order. Item 20, report of committee of the whole. The honourable Member for Mackenzie Delta, Mr. Krutko.

ITEM 20: REPORT OF COMMITTEE OF THE WHOLE

MR. KRUTKO: Thank you, Mr. Speaker. Mr. Speaker, your committee reports progress. Mr. Speaker, I move that the report of the committee of the whole be concurred with.

MR. SPEAKER: Thank you. Do we have a seconder for the motion? The honourable Member for Thebacha, Mr. Miltenberger, seconds it. To the motion. Question has been called. All those in favour, please signify. Thank you. All those opposed? Thank you. The motion is carried. Item 21, third reading of bills. Item 22, orders of the day. Mr. Clerk.

ITEM 22: ORDERS OF THE DAY

CLERK OF THE HOUSE (Mr. Hamilton): Mr. Speaker, meetings for tomorrow morning at 9:00 a.m. of the Cabinet House strategy. Also at 9:00 a.m. of the Standing Committee on Accountability and Oversight.

Orders of the Day for Wednesday, October 24, 2001:

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| 1. | Prayer | - | Minister's Statement 4-14(4): Update on the Social Agenda |
| 2. | Ministers' Statements | - | Minister's Statement 30-14(4): Sessional Statement |
| 3. | Members' Statements | | |
| 4. | Returns to Oral Questions | - | Minister's Statement 31-14(4): Fiscal Update |
| 5. | Recognition of Visitors in the Gallery | - | Bill 5, An Act to Amend the Education Act |
| 6. | Oral Questions | - | Bill 7, Powers of Attorney Act |
| 7. | Written Questions | - | Bill 13, An Act to Amend the Income Tax Act, No. 2 |
| 8. | Returns to Written Questions | 20. | Report of Committee of the Whole |
| 9. | Replies to Opening Address | 21. | Third Reading of Bills |
| 10. | Petitions | 22. | Orders of the Day |
| 11. | Reports of Standing and Special Committees | | |
| 12. | Reports of Committees on the Review of Bills | | MR. SPEAKER: Thank you, Mr. Clerk. Accordingly, the House stands adjourned until Wednesday, October 24, 2001, at 1:30 p.m. |
| 13. | Tabling of Documents | | -- ADJOURNMENT |
| 14. | Notices of Motion | | The House adjourned at 5:00 p.m. |
| 15. | Notices of Motions for First Reading of Bills | | |
| 16. | Motions | | |
| 17. | First Reading of Bills | | |
| | - | | Bill 14, Supplementary Appropriation Act, No. 2, 2001-2002 |
| 18. | Second Reading of Bills | | |
| 19. | Consideration in Committee of the Whole of Bills and Other Matters | | |
| | - | | Minister's Statement 1-14(4): Sessional Statement |
| | - | | Minister's Statement 3-14(4): Fiscal and Economic Update |

