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The Honourable Tony Whitford, Speaker

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YELLOWKNIFE, NORTHWEST TERRITORIES**Wednesday, October 24, 2001****Members Present**

Honourable Roger Allen, Honourable Jm 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): Thank you, Mr. Krutko. Good afternoon, Members. Item 2, Ministers' statements. The honourable Minister responsible for the Department of Education, Culture and Employment, Mr. Ootes.

ITEM 2: MINISTERS' STATEMENTS**Minister's Statement 32-14(4): ECE Condolences**

HON. JAKE OOTES: Thank you, Mr. Speaker. Mr. Speaker, it is not an exaggeration to say that tragedy has touched each of our lives over the past month. Last Saturday, several hundred people gathered at Sir John Franklin High School in Yellowknife to celebrate the life of Terry Bradley. Even though many were still feeling the shock of his sudden absence from their lives, Terry was remembered fondly as a man who devoted his life to education.

Mr. Speaker, Terry arrived in Yellowknife in 1991 when he accepted the principalship of JH Sissons School. He also found time to serve in an administrative role for the French first language school, Ecole Allain St-Cyr. Those who knew him recognized this as a labour of love that culminated in the grand opening of a new French school in 1999.

Kids loved Terry and so did their parents. Terry's creativity and patience inspired a generation of young people, instilling in them a desire for lifelong learning. As Minister, it was a pleasure to be part of the tribute paid by Education, Culture and Employment in June, 2000 to Terry and his wife Marie-Claire for their dedication and exceptional contribution to the growth and development of French language education in the Northwest Territories. It is a tribute richly deserved.

Mr. Speaker, Terry will be missed but his legacy will live on. A week ago today, the Northwest Territories held its collective breath, waiting for word of a plane that had gone missing between Yellowknife and Fort Liard. When word came that the plane had been found, everyone hoped for the best while preparing themselves for bad news. Sadly, the news was both good and bad. While three people survived the crash, Mr. Speaker, sadly, Sean Toner, Sally Bertrand and Daniel Lomen did not.

Mr. Speaker, Sean Toner will be remembered as someone who touched many in Fort Smith with his friendly, low-key approach to life and to people. He loved the outdoors and spent a lot of time hunting with friends. Sean received most of his elementary and high school education in Fort Smith. He was in the second year of the Heavy Duty Equipment Mechanic Program at Aurora College. He was employed by Beaver Enterprises at the time of his passing.

As many of you already know, Sally was the band manager in Fort Liard. She also delivered the Income Support Program in the community on behalf of ECE. Sally is described as someone with an outgoing personality who was a pleasure to work with. Our sympathies are with her husband and young family.

Mr. Speaker, another passenger on the flight was Kim Deneron. Kim survived the crash and is listed as recovering and stable in an Edmonton hospital. A graduate of the Aurora College Teacher Education Program, Kim went on to acquire her Bachelor of Education degree from the University of Saskatchewan. An excellent role model, Kim is in her second year of teaching in Fort Liard. Kim, each of us, and especially your students, are anxious to have you back in the classroom.

Mr. Speaker, our thoughts go out today to all of those who have experienced loss and sadness as a result of these events. On behalf of the Department of Education, Culture and Employment and Aurora College, I would like to extend our heartfelt sympathies to the families and friends of Terry, Sean and Sally and Daniel. We would also like to wish a speedy recovery to Kim, Stanley and Brad. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Mr. Ootes. Item 2, Ministers' statements. Item 3, Members' statements. The honourable Member for Hay River South, Mrs. Groenewegen.

ITEM 3: MEMBERS' STATEMENTS**Member's Statement on Service on Behalf of Hay River South Constituents**

HON. JANE GROENEWEGEN: Thank you, Mr. Speaker. Mr. Speaker, I rise today to speak about my work in this Legislative Assembly. I was elected by the people of Hay River in 1995 and acclaimed by the residents of Hay River South in 1999. Since then, it has been my privilege to serve as a Member of Cabinet and I have embraced the work of my portfolio with enthusiasm and with passion for the issues.

When I got elected to Cabinet, I brought with me a record for standing up for what was right, taking the high road and leading by example. Perhaps partially as a result of my work in the previous Legislature, my activities have been particularly closely scrutinized. I am not going to get into the matters that have been considered by the special committee or the ones that will be considered in committee of the whole at this time, but the recommendations have been brought forward in the House and I do respect the work of the special committee. I want to say that I will not be participating in that discussion or the vote today.

I feel that in order for any Minister to be able to perform their duties effectively, they need to maintain the confidence of their

colleagues in Cabinet and the Members of this House. It is clear from this report that I no longer have that confidence.

Mr. Speaker, there has been no actual conflict between my duties as an MLA and my business dealings. There has been no fraud or mischief upon this government or the people. There has been no flagrant abuse of my role as a Minister or the resources of this government.

However, Mr. Speaker, the taping of the conversations with the Conflict Commissioner is wrong in the nature of a private wrong or a breach of privacy, for which I apologized and I apologize again today. It is, I submit, human frailty to have taken my defence to the point where I would tape conversations and act entirely out of character for me in my dealings with you and other Members of this Assembly.

I would like to thank my colleagues who supported and elected me to this position. I want to thank my constituents for their support and patience when I have not always been able to be in Hay River over the past two years. I would like to thank my department and the people I worked with closely in my roles and responsibilities for Health and Social Services, Seniors, Persons with Disabilities and Women. I particularly enjoyed my Grandmothers Council and my staff and I also want to thank my husband and my children who have always been my biggest supporters.

I look forward to working with my colleagues on the other side of the House on behalf of my constituents and on behalf of the people of the North. I know that my track record of service has not been entirely negated by the unfortunate circumstances surrounding this report, however, I will work hard to rebuild the confidence of my colleagues and hopefully sometime I will be back. Thank you.

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

Member's Statement on Canada's Air Cadet Movement's 60th Anniversary

MR. DENT: Thank you, Mr. Speaker. Mr. Speaker, this year marks Canada's air cadet movement's 60th anniversary and while the official birthday was April 9, 2001, activities will be held by individual squadrons throughout their anniversary year, which ends May 30, 2002.

The movement came into being in 1941 in response to a critical need for trained young men to fly in defence of freedom. Since then, nearly one million young Canadians have participated in air cadets.

In partnership with the armed forces, the movement has provided wonderful opportunities for many of our youth. In fact, Mr. Speaker, although it may be hard to tell from my hair colour now, once upon a time, long ago -- long ago -- I was one of those young people and was fortunate enough to obtain my private pilot's licence because of air cadets.

Some interesting facts that Members may not know is that one out of every five private pilots in Canada at the present time is an ex-air cadet and 63 percent of commercial airline pilots flying today got their start in air cadets. Approximately 28 percent of the flying, technical and administrative members

servicing in Canada's Air Force today have had some air cadet training.

Mr. Speaker, last year one northern cadet earned his wings and is now a registered private pilot, while another completed glider flying training. The Northwest Territories, Yukon and Nunavut boast four squadrons and roughly 150 young Northerners proudly wear the air cadet uniform.

Each squadron is supported by trained reserve officers of the Canadian Armed Forces as well as a group of dedicated civilian volunteers, parents and sponsoring organizations.

The focus of today's air cadet movement is on citizenship and leadership, with an orientation towards aviation. Through cadet training, young people from ages 12 to 19 learn the value of initiative, self-reliance, discipline, teamwork and leadership.

Mr. Speaker, as a point of interest, Yellowknife's squadron is the only group of cadets in Canada who still keep a 24-hour vigil at the cenotaph on November 11th, a tradition that the cadets feel must be continued.

Mr. Speaker, I would like to commend the officers, instructors, parents and the air cadets for their dedication in helping young Canadians successfully meet the challenges of our Territory and our country.

Mr. Speaker, I ask that you and all Members join me in congratulating the air cadets movement on its 60th anniversary this year. Thank you, Mr. Speaker.

-- Applause

MR. SPEAKER: Thank you, Mr. Dent. I trust you will be recognizing people in the gallery a little later on that very issue. Item 3, Members' statements. The honourable Member for Hay River North, Mr. Delorey.

Member's Statement on Acknowledgement of the Contributions of Firefighters

MR. DELOREY: Thank you, Mr. Speaker. Mr. Speaker, I rise today to bring some attention to a segment of our population that very much deserves our accolades. Mr. Speaker, the people I am referring to are the firefighters throughout the Northwest Territories. Whether they be career firefighters or volunteer firefighters, these brave men and women who give selfishly of themselves in the very worst of times should be recognized by our government.

Mr. Speaker, during the recent tragedy in the United States, a newscaster commented that in an emergency situation when everyone else is running away from the area, the firefighters are running right into the emergency. Nothing could be more true. Firefighters risk their lives for us on a daily basis without giving a second thought for their own personal safety.

Mr. Speaker, in the case of the Hay River Fire Department, the department is comprised entirely of volunteers. They currently have 24 members. For the year 2000, Mr. Speaker, these brave men and women tended to 54 fire calls. They also had 160 ambulance calls, which included motor vehicle accidents. In addition, they transported 165 medevac patients.

Mr. Speaker, these statistics are extremely impressive when you consider that these volunteers are on call 24 hours a day,

seven days a week. This is in addition to working full-time jobs and having families.

Mr. Speaker, I propose that this government should institute a recognition program for our firefighters that properly acknowledges their many years of dedicated service to their communities.

Mr. Speaker, there is currently no tangible form of recognition bestowed on our firefighters from our territorial government. I propose that this government design special medals to be presented to our volunteer firefighters for five-year increments of service. I further propose that this government match the federal government's initiative of a tax-free allowance for our firefighters. In addition, I propose that our firefighters receive a special licence plate that distinguish these individuals in their communities.

Mr. Speaker, I recently met with the Hay River Volunteer Fire Department to hear their concerns. Overwhelmingly, the thing that I heard from them, Mr. Speaker, is that...

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

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

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

MR. DELOREY: Thank you, Mr. Speaker. Mr. Speaker, the overwhelming thing that I heard from them is that yes, a recognition program would be wonderful, but above all the best thing that we as legislators could do for them would be to provide them with the equipment they require to do their jobs. This says a lot for the way they see their role.

Mr. Speaker, I believe that it is high time that this government step up to the plate and provide our firefighters with the recognition they so rightfully deserve. Thank you, Mr. Speaker.

-- Applause

MR. SPEAKER: Thank you, Mr. Delorey. Item 3, Members' statements. The honourable Member for North Slave, Mr. Lafferty.

Member's Statement on Rae-Edzo Bridge Project

MR. LAFFERTY: Thank you, Mr. Speaker. I want to bring what happened in my riding to the attention of all MLAs. Mr. Speaker, I am not happy with the way funds are being moved around for capital projects. The way it works now, Municipal and Community Affairs funds projects, the Department of Public Works tenders them, then DPW or Transportation decides what happens to the projects.

In the case of the Bay Island Bridge for Rae-Edzo, the Department of Municipal and Community Affairs and the Department of Transportation met with community leaders behind closed doors. It was not a public meeting and the public was never consulted.

I want to make sure that does not happen again to any other community. The Bay Island Bridge project went ahead as a one-lane bridge, a done deal. All that was needed was another \$45,000 to \$55,000 to make it a two-lane bridge. The department asked the community to dish out the extra funding to make it a two-lane bridge.

When the Ingraham Trail Bridge was built at Yellowknife River, did they ask Ingraham Trail residents to kick in part of the money for their bridge? I do not think so, Mr. Speaker. I question why Municipal and Community Affairs did not dish out the extra funding for this project and why the option for a two-lane bridge for Rae-Edzo was not seriously looked at by the Department of Municipal and Community Affairs and the Department of Transportation.

My concern for my constituents' safety was never considered. As a result, the people of Rae have been left to deal with a higher chance of accidents and congestion at both ends of the bridge. This is unacceptable, Mr. Speaker.

The plan to stick us with a one-lane bridge was short-sighted by the departments. I believe some funding could have been moved around to accommodate a two-lane bridge. However, the project went ahead as a one-lane bridge.

What Rae-Edzo has now is a couple of steel girders shoved across the river, leaving the problems of traffic flow up to the community. In the future, our government departments should notify the public as well as leaders for any capital projects that will affect the community.

Mr. Speaker, I will have questions on this for the Minister. Thank you.

MR. SPEAKER: Thank you, Mr. Lafferty. Item 3, Members' statements. The honourable Member for Inuvik Boot Lake, Mr. Roland.

Member's Statement on Temporary Closure of Constituency Office

MR. ROLAND: Thank you, Mr. Speaker. Mr. Speaker, today I rise to inform my constituents in Inuvik Boot Lake that my office in Inuvik will be closed, only for the reason that my assistant is down here in Yellowknife assisting me for this week and learning the ropes around this Legislative Assembly. I think it is an opportunity for her to learn the process so that when she does deal with my constituents when I am away from my community, she will be able to better assist them.

In closing, Mr. Speaker, I would like to send greetings back to my wife and children. Thank you.

-- Applause

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

Member's Statement on Hydro Projects in the South Slave Region

MR. MILTENBERGER: Thank you, Mr. Speaker. Mr. Speaker, today I would like to briefly talk to the issues of hydro, specifically hydro in the South Slave.

Mr. Speaker, the Taltson River system has been identified as an existing hydro generation facility. It has the capacity to be expanded. There has been a significant amount of work done by the government in terms of reviewing the technical issues and the marketing issues but, Mr. Speaker, I believe it is now time for the government to come to Fort Smith and meet with all the concerned groups, the community leaders, the aboriginal governments and the citizens of the region so that we can discuss the issue to see what is possible, to see if in fact there is support for this and what the plan would be to move this ahead. It is critical at this point, given the emphasis on energy and on hydro, that this be done in a timely fashion.

I have written to the Premier a number of weeks ago and he was going to consult with Minister Handley. Later today, on that particular issue of hydro, I will be asking the Minister some questions.

As well, Mr. Speaker, on the issue of hydro in the South Slave, I understand that recently the Alberta government has dusted off the plans for the dam across the Slave River. Mr. Speaker, when this was looked at over 15 years ago, what was contemplated was a riverbank, the riverbank dam that would have generated close to 2,000 megawatts of power. There would have been enormous impacts. The downstream impacts -- I shudder even to think what they would be on the Slave, on the Mackenzie, on the whole Northwest Territories. Now we have a recently signed reserve and treaty land entitlement arrangement with the Smith Landing people. Will all their land, or big portions of their land, be flooded?

Mr. Speaker, the whole issue of hydro is one that we have to pay very close attention to. While the Taltson has the potential to be a good project, it is small, it is manageable and its impacts would not be hugely significant in terms of the environment. The issue of the Slave River is one that should be of significant concern to every Northerner because we are going to be the downstream recipients if that were to go ahead as initially proposed. There are major environmental implications that I think would have an irrevocable and negative impact on the Northwest Territories.

Later today, I will be asking the Minister if he could speak to those issues. Thank you.

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

Member's Statement on Aklavik Curling Rink

MR. KRUTKO: Thank you, Mr. Speaker. Mr. Speaker, I would like to bring to the attention of this House an issue that I have raised several times. There are petitions tabled in this House with some 135 signatures from the residents of Aklavik requesting that they replace the curling rink, which has been condemned and has been shut down for several years. The facility is over 25 years old.

Mr. Speaker, I have raised this issue several times in this House. There have been public meetings with the hamlet council and officials from MACA in the community of Aklavik to see if there is a possibility of ensuring this will come to light. In the meeting that was held in Aklavik last spring, it was clear that in 2002-2003, there were going to be monies available to

develop the rink and also in 2003-2004, to begin the construction and completion of that curling rink.

Yet, Mr. Speaker, nowhere in the new capital plan expenditures that have been raised through this new concept of allowing the deputy ministers to determine which capital will be built in our communities without input from the MLA or from the communities. Yet, Mr. Speaker, we state that there needs to be community input, there needs to be more openness. We talk about community empowerment. We talk about regional initiatives but this is a good example of how communities and the government could work on projects to improve the life and social conditions in our communities.

Again, Mr. Speaker, I have written letters to the Minister responsible with no replies on this matter. With that, Mr. Speaker, I will be asking the Minister a question on this matter later on. Thank you.

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

Member's Statement on Problems Encountered by Small Businesses

MR. MCLEOD: Thank you, Mr. Speaker. As it is officially Small Business Week in Canada, I would like to make some comments today on small business in the Northwest Territories and some of the problems they face.

We have many small businesses here in the Northwest Territories. The majority are located in the larger centres of Yellowknife, Inuvik and Hay River. However, we have many small businesses in our communities. The small business owner is required to be familiar with all aspects of running a business. This includes being familiar with the products and services one is providing, marketing of their goods, dealing with customers, maintaining and understanding financial records, dealing with lenders, banks, accountants, lawyers and government.

While many of these small business owners are providing excellent products or services, they lack some of the management skills or resources to effectively operate their business. Statistics associated with the failure of small businesses confirm that approximately one-third fail within the first year of startup. By year five, approximately two-thirds are out of business.

Mr. Speaker, the reason for such failure is lack of management, experience and resources. Small businesses that start up often find themselves undercapitalized, which results in immediate problems. When combined with minimal or no support after startup, the blueprint is for failure.

Mr. Speaker, I am aware of instances where early into the fiscal year, small business owners, or those wanting to start a small business, are informed by our government representatives that there is no financial support available. They are informed that all current funds for the year have been allocated and there will be no funds available until next year. They are being told to come back in March and make application for assistance then and hopefully there will be financial assistance available to them. In a small community where the government is the only game in town, this becomes very discouraging.

Mr. Speaker, this government encourages and works hard to assist big business. Therefore, it must have the same attitude towards small business by encouraging, and not discouraging, development of our small business sector. Mr. Speaker, since the economic development agreement between Canada and the Northwest Territories expired in 1996, program dollars...

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

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

MR. SPEAKER: Thank you. The honourable Member is seeking unanimous consent to conclude his Member's statement. Are there any nays? There being no nays, Mr. McLeod, you may conclude.

MR. MCLEOD: Thank you, Mr. Speaker. Mr. Speaker, since the economic development agreement between Canada and the Northwest Territories expired in 1996, program dollars for economic development of small projects have been considerably reduced. The reduction in funding severely restricts small business initiatives and start-ups.

Mr. Speaker, in recognition of Small Business Week, I urge this government to reflect and consider the important contribution made to our economy by small businesses throughout the Northwest Territories. Mr. Speaker, recognition, although important, is not sufficient to address the problems faced by small business. We must be committed to actively pursue with Canada financial support needed to promote and assist small businesses in the Northwest Territories. Thank you, Mr. Speaker.

-- Applause

MR. SPEAKER: Thank you, Mr. McLeod. Item 3, Members' statements. The honourable Member for Great Slave, Mr. Braden.

Member's Statement on Efforts to Combat Drinking and Driving

MR. BRADEN: Thank you, Mr. Speaker. Today I would like to talk about a highway toll, but it is a different one than we have been talking about in the past few days. I want to talk about the toll taken on our society because of drinking and driving and the deaths and injuries that we sustain.

October 16th was National Students Against Impaired Driving Day, Mr. Speaker, and you and our colleagues will recall the very visible and very sobering example of what can happen as a result of getting behind the wheel when we are drinking when the students who are active here in Yellowknife parked a wrecked car out in front of the Legislative Assembly for a few days.

Last year, the NWT sustained four motor vehicle deaths, Mr. Speaker, all of them alcohol related. There were 18 other accidental deaths in the NWT and eight of those were alcohol related.

In 1996, the national initiative was undertaken, the National Strategy to Reduce Impaired Driving. In that were a lot of tougher standards to help jurisdictions deal with this terrible problem, but we have not yet acted on this in the NWT.

Organizations such as Mothers Against Drinking and Driving and students have organized and worked hard to do their part. We have seen evidence of that here in the NWT in dry grad celebrations, the CYAID national conference here in Yellowknife. As well, chapters of SADD are set up in Fort Simpson, Fort Smith, Norman Wells, Yellowknife and other schools. The young people are doing their part and we in this Legislature have to look at where we can do our part.

Last year, the MADD organization, Mothers Against Drinking and Driving, gave our jurisdiction a failing grade. This year, they upgraded it to promising because there were promises that we have some tough new laws coming in. Students want to see tougher blood alcohol limits, Mr. Speaker. They want to see zero tolerance for drinking drivers under the age of 19. They know they are making a difference. They are appealing to the legislators and the government to do our part.

They need the endorsement and the support to help continue their work. This government has a pretty good record so far of helping, but we need to do more. I will be asking the Minister more questions later on today. Thank you, Mr. Speaker.

-- Applause

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

Member's Statement on Reflections on Nahendeh Community Visits

HON. JIM ANTOINE: Mahsi, Mr. Speaker. Mr. Speaker, having returned to this Legislative Assembly yesterday after about three months since our last session in July, our responsibilities as MLAs had allowed me to travel into the six communities that I represent in the Nahendeh constituency.

I travelled to Fort Simpson, Jean Marie River, Wrigley, Trout Lake, Nahanni Butte and recently, Fort Liard. This time I made it a point of visiting all of our elders in our smaller communities. I learned a lot from this trip, Mr. Speaker. I learned that our elders and Dene people continue to keep themselves busy into their 70s and 80s and still maintain the traditional way of life of keeping busy in the fall.

This year, they have been on a fall hunt for moose in my constituency. People have been successful in getting moose meat for the winter and moose hide for garments. There was a lot of activity going on in preparing the meat, making dry meat and working on hides, as well as preparing for the winter, getting fire wood and so forth.

In Wrigley as well as Willow River, Trout Lake, Nahanni Butte and Fort Liard, I noticed particularly that the elders are keeping themselves busy every day. They don't sit idly about watching TV or sit around and do nothing. They make a point of telling me that you have to keep yourself busy, preparing yourself for the next season.

It is a good example for all of us here as younger people, that this is the way our people have been taught and trained and to carry on their way of life by example. You don't teach this in the schools or the classrooms but you learn it from our elders.

I just wanted to take the opportunity here today to share what I learned on my trip. I learned a lot of things. I have talked to a

lot of politicians, but our elders are giving us lessons that we have to keep busy, keep active and continue our way of life. Thank you. Mahsi.

-- Applause

MR. SPEAKER: Mahsi, Mr. Antoine. Item 3, Members' statements. The honourable Member for Range Lake, Ms. Lee.

Member's Statement on the Generous Spirit of Yellowknifers

MS. LEE: Thank you, Mr. Speaker. Mr. Speaker, I would like to take this opportunity today to give my sincere thanks and to recognize the generous spirit of Yellowknifers, whether they be residents, small businesses or large corporations, in the way they volunteer, participate and sponsor numerous fundraising events.

This spirit is demonstrated all year round, Mr. Speaker, but it might be fair to say that things really start with a big bang in the fall. This year is no exception. In the month of September, there were major fundraising events almost every weekend. It started with the Terry Fox Run, which was held on September 16th under a clear blue sky and warm temperature, which helped bring to life our heavy hearts following the September 11th tragedy. The run raised over \$30,000.

On the same weekend, the community came out in full force again to raise \$40,000 for the firefighters lost in New York. This was followed by the 8th Annual Aids Walk the following weekend and the CIBC Run for the Cure for breast cancer the weekend after that. The latest figure from this event was \$140,000.

That is not all, Mr. Speaker. The very following weekend, on October 16th, the community came out again for the Stanton Hospital Multicultural Dinner and Silent Auction, where the organizers surpassed their goal of \$10,000 that they had set for themselves.

Mr. Speaker, so many individuals are involved and the names of those people cannot be mentioned here. I feel very bad about that. May I just close by saying my sincere thanks to everyone who participates in these events in any capacity. I know that we Yellowknifers are truly generous people and I am proud to be one of them. Thank you, Mr. Speaker.

-- Applause

MR. SPEAKER: Thank you, Ms. Lee. Item 3, Members' statements. The honourable Member for Yellowknife South, Mr. Bell.

Member's Statement on Recognition of Yellowknife Youth Volunteer Bridget Dunne

MR. BELL: Thank you, Mr. Speaker. It is with pleasure I rise today to acknowledge a constituent of Yellowknife South who has impressed me with her desire to help less fortunate people in our world. Her name is Bridget Dunne and she is a second-year student taking environmental science at the University of Guelph, Mr. Speaker.

Recently, she was accepted as a volunteer in an organization called Youth Challenge International and she applied to do

volunteer work in a remote region of South America called Guyana. She will be going to Guyana in June of next year.

Mr. Speaker, she is one of 30 youth selected from a large number of applicants by Youth Challenge International to represent Canada. She will be joining other youth from Australia, Costa Rica and Guyana. They will all be working on community-based projects for a ten-week period. These projects are varied and can include work related to the construction of schools and health posts, developing efficient water supplies, working with local people to preserve and reclaim rainforests, uniting indigenous youth in workshops from various villages and also delivering local workshops on health issues, such as HIV and AIDS prevention and providing support for positions in hospitals.

Mr. Speaker, upon completion of her work with Youth Challenge International, she will return for yet another challenge, to put her experiences into positive actions to enhance her community. So on behalf of my constituency and this Legislature, I wish to congratulate Bridget Dunne on being selected to represent Canada on this unique opportunity and more importantly, to wish her well in her work. Thank you, Mr. Speaker.

-- Applause

MR. SPEAKER: Thank you, Mr. Bell. Item 3, Members' statements. Item 4, returns to oral questions. Item 5, recognition of visitors in the gallery.

ITEM 5: RECOGNITION OF VISITORS IN THE GALLERY

MR. SPEAKER: At this point, I would like take the opportunity to recognize a former elected Member to the Legislative Assembly, 1991 to 1993, Mr. Bernhardt representing the Kitikmeot. Item 5, recognition of visitors in the gallery. The honourable Member for Frame Lake, Mr. Dent.

MR. DENT: Thank you, Mr. Speaker. I would like to recognize five members representing the air cadets here today. Mrs. Jane Leblanc, who is the director of corporate affairs and chairperson of the 60th anniversary celebrations north of 60. With her are Captain Sharon Low and Corporal Paul McKee, who are both from the cadet unit of Canadian Forces Northern Area, and two flight cadets, flight sergeant Fred Sage and LAC Carolyn Crouch.

-- Applause

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

MR. MILTENBERGER: Thank you, Mr. Speaker. Unfortunately, you stole most of my thunder. I was also going to recognize Mr. Bernhardt in the gallery. We went to school together back in the 60's and he has been a friend for a very long time.

-- Applause

MR. SPEAKER: Thank you. Item 5, recognition of visitors in the gallery. The honourable Member for Inuvik Twin Lakes, Mr. Allen.

HON. ROGER ALLEN: Thank you, Mr. Speaker. Today I have the privilege of recognizing Mr. John Dickson, who is enrolled in the Community Development Certificate Program at Aurora College. Welcome, John.

-- Applause

MR. SPEAKER: Thank you. 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, today I would like to recognize Lucille Harrington from Hay River. She is a student at Aurora College Community Development Certificate Program. Thank you, Mr. Speaker.

-- Applause

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

HON. STEPHEN KAKFWI: Mr. Speaker, (Translation not available). Literally, above me today sits my younger brother, Tony Grandjambe, from Norman Wells Municipal and Community Affairs. Mahsi.

-- Applause

MR. SPEAKER: Mahsi, Mr. Kakfwi. Item 5, recognition of visitors in the gallery. The honourable Member for Great Slave, Mr. Braden.

MR. BRADEN: Mr. Speaker, a number of Members have had the pleasure of speaking in the last few days with the Community Development Certificate Program and I would like recognize one of the students, Joanne Erasmus of Yellowknife. Thank you.

-- Applause

MR. SPEAKER: Item 5, recognition of visitors in the gallery. The honourable Member for Inuvik Boot Lake, Mr. Roland.

MR. ROLAND: Thank you, Mr. Speaker. It is my pleasure to introduce and welcome to this gallery my constituency assistant, Ms. Sheila Nasogaluak, as well as Ms. Debra Campbell, the instructor and coordinator of the Community Development Certificate Program for Aurora College. Thank you.

-- Applause

MR. SPEAKER: Thank you, Mr. Roland. Item 5, recognition of visitors in the gallery. The honourable Member for Nahendeh, Mr. Antoine.

HON. JIM ANTOINE: Mahsi, Mr. Speaker. Mr. Speaker, whenever we have the Legislative Assembly in session, we have guests that come here, mainly representing municipalities, to lobby government and get their points across. I have the pleasure of introducing from the village of Fort Simpson, the mayor, Tom Wilson; Gord Villeneuve, Duncan Carvin; Kirby Groat; Betty Hardisty and the new SAO, Bernie Swanson. Welcome. Thank you.

-- Applause

MR. SPEAKER: Thank you, Mr. Antoine. Item 5, recognition of visitors in the gallery. The honourable Member for Nunakput, Mr. Steen.

HON. VINCE STEEN: Thank you, Mr. Speaker. Mr. Speaker, I have the honour of recognizing three members from my riding of Nunakput; Robert Kuptana, who is attending the Community Development Certification Program at Aurora College here, from Holman; Karen Voudrach from Tuktoyaktuk; and my daughter, Shannon, from Tuktoyaktuk. Thank you.

-- Applause

MR. SPEAKER: Item 5, recognition of visitors in the gallery. The honourable Member for Mackenzie Delta, Mr. Krutko.

MR. KRUTKO: Thank you, Mr. Speaker. Mr. Speaker, it gives me a great honour to have a chance to recognize a member from Fort McPherson who is also taking the community development program. I would like at this time to thank Mr. Andre, who is from Fort McPherson, who has put a lot of work, effort and time and long days working on the Beaufort-Delta Self-Government Agreement-in-Principle. He is here with us today, so James, I would like to personally thank you and welcome to the House.

-- Applause

MR. SPEAKER: Item 5, recognition of visitors in the gallery. I would like to take this opportunity to welcome everyone who is here to observe your Legislative Assembly on this fine day. Thank you for coming. Item 6, oral questions. The honourable Member for Deh Cho, Mr. McLeod.

ITEM 6: ORAL QUESTIONS

Question 123-14(4): Deh Cho Interim Measures Agreement

MR. MCLEOD: Thank you, Mr. Speaker. Mr. Speaker, I would like to pick up on a line of questioning raised by Steve Nitah yesterday regarding some of the agreements with the aboriginal governments. Mr. Speaker, the Deh Cho First Nations, along with Canada and this government, signed an agreement, the Deh Cho First Nations Interim Measures Agreement, recently and I would like to ask the Minister of Resources, Wildlife and Economic Development if that agreement is currently formally in place today. Thank you, Mr. Speaker.

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

Return to Question 123-14(4): Deh Cho Interim Measures Agreement

HON. JOE HANDLEY: Thank you, Mr. Speaker. Yes, that agreement is clearly in place. Thank you.

MR. SPEAKER: Thank you, Minister Handley. Supplementary, Mr. McLeod.

Supplementary to Question 123-14(4): Deh Cho Interim Measures Agreement

MR. MCLEOD: Mr. Speaker, it is not clear to me which department is responsible for implementing this agreement, so

I would like to ask the Minister if he could confirm to me that Resources, Wildlife and Economic Development is the lead department regarding this agreement.

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

Further Return to Question 123-14(4): Deh Cho Interim Measures Agreement

HON. JOE HANDLEY: Mr. Speaker, the Interim Measures Agreement is a very broad document. The GNWT is responsible for honouring, respecting and implementing the various sections of it, so some sections of it do fit within the mandate of Resources, Wildlife and Economic Development and those would be areas where we would take responsibility. With regard to forestry, for example, that is clearly an RWED responsibility and it is RWED's role to ensure that is honoured. Thank you.

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

Supplementary to Question 123-14(4): Deh Cho Interim Measures Agreement

MR. MCLEOD: Thank you, Mr. Speaker. I would like to thank the Minister for that response. I would like to further question as to what type of resources are provided to the communities to deal with applications that are processed, as communities are required to provide a formal response and go through the consultation process. I would like to know what resources, what staff are available to them? Thank you, Mr. Speaker.

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

Further Return to Question 123-14(4): Deh Cho Interim Measures Agreement

HON. JOE HANDLEY: Thank you, Mr. Speaker. Mr. Speaker, if there is, for example, a timber-cutting application received by RWED, then RWED has to notify the communities that are impacted that the application is there and to request whether or not they support it. We do not provide any set amount of dollars or any particular staff to assist the communities, but certainly we are there and we are available if they have any questions regarding any application. Thank you.

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

Supplementary to Question 123-14(4): Deh Cho Interim Measures Agreement

MR. MCLEOD: Thank you, Mr. Speaker. I am glad to hear that the Minister and this government has worked out a process as to consultation and the involvement of the communities regarding the application process.

I would like to ask the Minister if he could assure me and the people of the Deh Cho that no applications will be processed without the consent of the Deh Cho First Nations and the affected Deh Cho communities. Thank you, Mr. Speaker.

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

Further Return to Question 123-14(4): Deh Cho Interim Measures Agreement

HON. JOE HANDLEY: Thank you, Mr. Speaker. Just for clarification, it is not really RWED that has set out the process for dealing with the Interim Measures Agreement. It is the Deh Cho people themselves. The process is laid out in the Interim Measures Agreement and in fact, in section 50 of that agreement, there is a provision that no forest management authorizations will be issued in the Deh Cho Territory without the support of the affected Deh Cho Nations. It goes on to say, however, that section 51 allows for certain exceptions.

We follow that very carefully and certainly honour that agreement. Thank you.

MR. SPEAKER: Thank you, Minister Handley. Item 6, oral questions. The honourable Member for Thebacha, Mr. Miltenberger.

Question 124-14(4): Taltson River Hydroelectric Potential

MR. MILTENBERGER: Thank you, Mr. Speaker. Mr. Speaker, I would like to follow up on my Member's statement regarding hydro in the South Slave. I would like to ask Minister Handley about the possibility of pulling together a meeting of the stakeholders, the aboriginal governments, the community leaders in the South Slave to update them on what is happening with the Taltson project and to see what steps have to be taken, the issues of support from the aboriginal governments, compensation and those kinds of things. Could the Minister indicate whether that would be a possibility? Thank you.

MR. SPEAKER: Thank you, Mr. Miltenberger. The honourable Minister responsible for the Financial Management Board Secretariat, Mr. Handley.

Return to Question 124-14(4): Taltson River Hydroelectric Potential

HON. JOE HANDLEY: Mr. Speaker, certainly I would make myself available to meet with any of the affected parties or any of the stakeholders regarding the hydro potential on the Taltson River. There are a number of stakeholders who have certain rights in the area. I would meet with them collectively or separately, as they wish. Thank you.

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

Supplementary to Question 124-14(4): Taltson River Hydroelectric Potential

MR. MILTENBERGER: Thank you, Mr. Speaker. Mr. Speaker, I appreciate the response from the Minister, but I think it is important for the Minister to recognize that the government is initiating this process and it is important for the government to be seen to be trying to coordinate and bring the players together. We could invite him to the region, but I think it is important for the government, with all the resources and work that they have done, to coordinate the meetings so that in fact their agenda can be advanced, working with the people of the

South Slave. Would the Minister consider using that approach? Thank you.

MR. SPEAKER: Thank you, Mr. Miltenberger. The honourable Minister responsible for the Financial Management Board Secretariat, Mr. Handley.

Further Return to Question 124-14(4): Taltson River Hydroelectric Potential

HON. JOE HANDLEY: Mr. Speaker, certainly we would be willing to coordinate the meeting, to set it up, to have it in whichever community they want to have it in, assist the people to attend the meeting. We would do that, but I want to be clear that in doing that we are not trying to sell a particular proposal to them. We are making them aware of what the potential is and they have to make their own decision to the extent that they want to take advantage of this opportunity. Thank you.

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

Supplementary to Question 124-14(4): Taltson River Hydroelectric Potential

MR. MILTENBERGER: Thank you, Mr. Speaker. Mr. Speaker, Could the Minister indicate what would be the most appropriate mechanism or process to advance this particular initiative? Would it be best if I wrote to him directly again to outline the request and to work directly with him or are there other officials who would be best consulted? Thank you.

MR. SPEAKER: Thank you, Mr. Miltenberger. The honourable Minister responsible for the Financial Management Board Secretariat, Mr. Handley.

Further Return to Question 124-14(4): Taltson River Hydroelectric Potential

HON. JOE HANDLEY: Thank you, Mr. Speaker. It could be a letter directly to me or to the secretary to the Financial Management Board, Lew Voytilla, who takes a lead on this initiative for me. I also take the Member's questions as an expression of interest in it and I have noted that. Thank you.

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

Supplementary to Question 124-14(4): Taltson River Hydroelectric Potential

MR. MILTENBERGER: Thank you, Mr. Speaker. Mr. Speaker, I would also ask the Minister if he could speak briefly to the issue of Alberta's apparent renewed interest in the work that was done 50 years ago or so, and \$30 million was spent looking at the feasibility of a dam across the Slave River and whether his department is aware of that. What steps are they taking to ensure they are fully involved in any kind of process that may result from Alberta's interest? Thank you.

MR. SPEAKER: Thank you, Mr. Miltenberger. The honourable Minister responsible for the Financial Management Board Secretariat, Mr. Handley.

Further Return to Question 124-14(4): Taltson River Hydroelectric Potential

HON. JOE HANDLEY: Thank you, Mr. Speaker. Mr. Speaker, I too have heard that Alberta is reconsidering a hydro dam on the Slave River on the Alberta side. That does create tremendous concern for me and my other portfolios, RWED being responsible for the environment. I think it can have huge impacts, not only on the Slave River but also the whole watershed, including the Mackenzie River.

We are in the process of gathering information. I do not believe that Alberta has filed an application yet for building that dam. I think if we are going to be impacted by hydro projects that, as much as possible, we want to be in control of which projects are happening where and what the impacts will be. Any additional project on the Slave or Peace River system is certainly of great concern to us. Thank you.

MR. SPEAKER: Thank you, Minister Handley. Item 6, oral questions. The honourable Member for Hay River North, Mr. Delorey.

Question 125-14(4): Recognition of Volunteer Firefighters

MR. DELOREY: Thank you, Mr. Speaker. Mr. Speaker, as I alluded to earlier, our volunteer firefighters throughout the Northwest Territories go above and beyond the call of duty on a regular basis. They give selflessly of themselves with no regard to their personal safety. Would the Minister responsible for MACA please advise this House as to what forms of recognition the territorial government currently bestows on our volunteer firefighters? Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Mr. Delorey. The honourable Minister responsible for the Department of Municipal and Community Affairs, Mr. Allen.

Return to Question 125-14(4): Recognition of Volunteer Firefighters

HON. ROGER ALLEN: Thank you, Mr. Speaker. Yes, I am pleased to advise the Member that the individual fire departments are eligible to be recognized for their service throughout the Northwest Territories through the Outstanding Volunteer Service Award. That is one of several possible awards that they can receive in the Northwest Territories at this point. Thank you.

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

Supplementary to Question 125-14(4): Recognition of Volunteer Firefighters

MR. DELOREY: Thank you, Mr. Speaker. Mr. Speaker, I believe I speak for all of my colleagues in sincerely thanking our volunteer firefighters for the sacrifices they make so that we may be safe. I also believe that we as legislators should reward our volunteer firefighters with tangible forms of recognition.

Would the Minister please advise this House if he would be willing to institute a recognition program for volunteer firefighters whereby they would receive a medal for every increment of dedicated service they complete? For example, a five-year medal, ten-year medal, et cetera. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Mr. Delorey. The honourable Minister responsible for the Department of Municipal and Community Affairs, Mr. Allen.

Further Return to Question 125-14(4): Recognition of Volunteer Firefighters

HON. ROGER ALLEN: Thank you, Mr. Speaker. Yes, as occurs in other jurisdictions across the country, I am pleased to say that we will support our own Northwest Territories firefighter organizations so that they do receive some recognition. I am sure we will be able to work that out with the fellow Members here who have an active interest in volunteers in their community. Thank you.

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

Supplementary to Question 125-14(4): Recognition of Volunteer Firefighters

MR. DELOREY: Thank you, Mr. Speaker. Mr. Speaker, when I was reviewing the issue of volunteer firefighters and what we as a government could do to recognize our firefighters, I found that our volunteer firefighters receive a very small stipend from municipalities for the fire and ambulance calls they attend.

The federal government currently gives our volunteer firefighters a tax-free yearly allowance of \$1,000. Would the Minister agree to work with the esteemed Minister of Finance to have the territorial government match the federal tax-free allowance for volunteer firefighters? Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Mr. Delorey. The honourable Minister responsible for the Department of Municipal and Community Affairs, Mr. Allen.

Further Return to Question 125-14(4): Recognition of Volunteer Firefighters

HON. ROGER ALLEN: Thank you, Mr. Speaker. Yes, that issue was raised previously and I am prepared to discuss this further and in more detail with the Minister of Finance to see if we can come to some formal conclusion on the matter. Thank you.

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

Supplementary to Question 125-14(4): Recognition of Volunteer Firefighters

MR. DELOREY: Mr. Speaker, I am very encouraged by the Minister's remarks. Given the nature of the dangerous work these firefighters perform and the somewhat transient nature of our population, I believe that anything our government can do to encourage men and women to join our fire departments and to remain in their service would go a long way to retain firefighters.

Would the Minister also indicate whether he would be willing to institute separate and distinguished licence plates for our firefighters, as is done in other jurisdictions? Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Mr. Delorey. The honourable Minister responsible for the Department of Municipal and Community Affairs, Mr. Allen.

Further Return to Question 125-14(4): Recognition of Volunteer Firefighters

HON. ROGER ALLEN: Thank you, Mr. Speaker. Again, in the context of volunteerism, I feel that it is incumbent upon myself to lead in that direction so that they get further recognition than just the appreciation. I am prepared to consider that. Thank you.

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

Question 126-14(4): Rae-Edzo Bay Island Bridge

MR. LAFFERTY: Thank you, Mr. Speaker. Mr. Speaker, my question is directed to the Minister responsible for Municipal and Community Affairs. In my May 1st letter to the Minister, I wrote that the public and I had some safety concerns about a single-lane bridge for Rae-Edzo. In deciding on a single-lane bridge, the departments involved looked at traffic volume and historical statistics.

A community project is different from a highway project. My question is, why was the Bay Island Bridge evaluated on highway criteria and not for a capital project in a community? Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Mr. Lafferty. The honourable Minister responsible for the Department of Municipal and Community Affairs, Mr. Allen.

Return to Question 126-14(4): Rae-Edzo Bay Island Bridge

HON. ROGER ALLEN: Thank you, Mr. Speaker. Again, just to advise the Member, very clearly and succinctly, the Department of Municipal and Community Affairs is a funding agency. We then hand over the work to another department to do the design. Thank you.

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

Supplementary to Question 126-14(4): Rae-Edzo Bay Island Bridge

MR. LAFFERTY: Thank you, Mr. Speaker. Mr. Speaker, I would like to thank the Minister for the answer. I would like to ask, does he think this practice should continue? Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Mr. Lafferty. The honourable Minister responsible for the Department of Municipal and Community Affairs, Mr. Allen.

Further Return to Question 126-14(4): Rae-Edzo Bay Island Bridge

HON. ROGER ALLEN: Thank you, Mr. Speaker. Yes, I find this question difficult to answer. I am not prepared to comment on the actual question itself.

MR. SPEAKER: Thank you, Mr. Allen. It does border on an opinion and Ministers should not have to express an opinion. A more factual question would be to the point. Supplementary, Mr. Lafferty.

Supplementary to Question 126-14(4): Rae-Edzo Bay Island Bridge

MR. LAFFERTY: Thank you, Mr. Speaker. I would like to ask the Minister, is it common practice to ask communities to ante up additional money for projects that this government should be funding in the first place? Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Mr. Lafferty. The honourable Minister responsible for the Department of Municipal and Community Affairs, Mr. Allen.

Further Return to Question 126-14(4): Rae-Edzo Bay Island Bridge

HON. ROGER ALLEN: Thank you, Mr. Speaker. I am prepared to answer in the context that with the limited budget that the department has, we had allocated \$300,000 to the actual project. We had asked the community if they would supplement that by an additional \$75,000. They advised us, through our communication, that they were not prepared to, thus forcing us to re-evaluate the cost of the Bay Island Bridge. Thank you.

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

Supplementary to Question 126-14(4): Rae-Edzo Bay Island Bridge

MR. LAFFERTY: Thank you, Mr. Speaker. I have seen money moved from one project to another in other areas and \$70,000 is not a substantial amount of money if safety is concerned. I would like to ask the Minister why the department did not try to get extra funding and relied on the community to dish up the rest. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Mr. Lafferty. The honourable Minister responsible for the Department of Municipal and Community Affairs, Mr. Allen.

Further Return to Question 126-14(4): Rae-Edzo Bay Island Bridge

HON. ROGER ALLEN: Thank you, Mr. Speaker. As you know, each community has a number of projects on the go at any one time, so we felt that with the accumulation of a number of projects for the community, we could not reallocate additional monies to that specific project. So we were relying on the community to assist us through additional funding. That did not occur so we were left with the only option we had, which was to reconstruct a one-lane bridge. Thank you.

MR. SPEAKER: Thank you, Mr. Minister. Item 6, oral questions. The honourable Member for Inuvik Boot Lake, Mr. Roland.

Question 127-14(4): Student Financial Assistance Payments

MR. ROLAND: Thank you, Mr. Speaker. Mr. Speaker, my question at this time would be directed to the Minister

responsible for Education, Culture and Employment and it is in the area of student financial assistance.

Mr. Speaker, it has been an area that has drawn much attention over a number of years from a lot of communities, as well as mine. It has been brought to my attention that there are further concerns in the area of timing of payments or notifying students if they in fact did qualify or not. At times, students end up in a jurisdiction out of territory, enrolling in school, finding out at that point that they did not qualify. In some cases, they are told at that point when they are down there that they will not be getting their first payment or cheque for another 10 days or two weeks.

I would like to know from the Minister of Education if there is a guideline or a standard put in place as to when payments are first issued. Thank you.

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

Return to Question 127-14(4): Student Financial Assistance Payments

HON. JAKE OOTES: Thank you, Mr. Speaker, and thank you for the question, Mr. Roland. Over the past year, we have certainly addressed many areas of administrative matters that were of concern. We feel we have made good progress in most areas. Sometimes there is not a complete understanding on the part of the students of the rules and regulations, which is quite understandable. Some students are new to the process and so forth.

Dealing with the specific question that the Member has asked, do we have some guidelines in place with respect to payment? Yes, we do. For the first payment of each semester, we require up to ten working days to issue payment because in most cases, the last document that comes in is the enrolment form. Without that, as I am sure the Member can appreciate, we cannot issue payment. We have to have evidence of enrolment acceptance. There may also sometimes be other documents in the fall. For instance, previous academic records and so forth. I do believe we have made good progress in that area though, Mr. Speaker. Thank you.

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

Supplementary to Question 127-14(4): Student Financial Assistance Payments

MR. ROLAND: Thank you, Mr. Speaker. Can the Minister inform us if students, new or old, are informed in a timely manner that in fact they would have to come up with the living allowance and money to carry on approximately half the month of their first portion of schooling? Thank you.

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

Further Return to Question 127-14(4): Student Financial Assistance Payments

HON. JAKE OOTES: Thank you, Mr. Speaker. We do have a student guide. We did have a 100-page student guide last year,

as you will recall, and there were some concerns with that. We cut it down, but we feel we have a very good student guide in place right now that gives direction and application forms and the process.

Mr. Speaker, I do take the Member's comments seriously. There may be an opportunity here to provide even more information and more guidance to students but I do believe we have some good processes in place already. Thank you.

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

Supplementary to Question 127-14(4): Student Financial Assistance Payments

MR. ROLAND: Thank you, Mr. Speaker. I am glad to hear that they have cut down on the 100-page document as a student guide. You need to go to school to understand it, I believe.

Mr. Speaker, the question is in fact is there notification given? Is it in the student guidelines? A simple line that says, "Be prepared that your first ten days or two weeks of schooling that you will not have funding for." Is that clearly laid out in that manner? Thank you.

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

Further Return to Question 127-14(4): Student Financial Assistance Payments

HON. JAKE OOTES: Thank you, Mr. Speaker. I am not sure that it is laid out in that fashion, Mr. Speaker, and in that wording. Thank you.

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

Supplementary to Question 127-14(4): Student Financial Assistance Payments

MR. ROLAND: Thank you, Mr. Speaker. Will the Minister then look into that matter and if in fact it is not plainly spelled out, that it will be? Thank you.

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

Further Return to Question 127-14(4): Student Financial Assistance Payments

HON. JAKE OOTES: Yes, Mr. Speaker, it is a very good suggestion and we certainly will. I appreciate the Member bringing it up. We will certainly will take that into consideration and look at that to see how we can do that to ensure -- I think I should state that we continually work on trying to refine this program to ensure that there are good administrative processes in place. As I said, we have made tremendous advancement, Mr. Speaker, in the inquiry response time. We have dealt extensively with the application forms, the student guide and the staff training issue so that our own staff are better trained. We take this issue very seriously because a lot of our students and people in the NWT are affected by it. Thank you.

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

Question 128-14(4): GNWT Efforts to Reduce Impaired Driving

MR. BRADEN: Thank you, Mr. Speaker. In my statement, I made reference to the efforts of advocates against drinking and driving to improve the statistics and the injury and death loss in the NWT.

My question for the Minister of Transportation is what is the status of legislation in the NWT to update the NWT's ability to reduce drinking and driving? Thank you.

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

Return to Question 128-14(4): GNWT Efforts to Reduce Impaired Driving

HON. VINCE STEEN: Thank you, Mr. Speaker. Mr. Speaker, that particular piece of legislation is in the draft stage at this point. We have been working with the Department of Justice and have been doing extensive research to produce a piece of legislation that is considered restrictive but at the same time respects the rights of individuals to fair treatment. We find that this is going to take more than a normal amount of research. We have been told that in the other jurisdictions, Mr. Speaker, it takes almost three years for them to actually do all the research and produce a document that can stand the tests.

We have the ability to gain some information from other jurisdictions on how they have managed to put this in place. With respect to the present calendar for this particular piece of legislation, Justice is advising us that we will have a draft back from them by December and the department will have it ready for the spring session of this House.

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

Supplementary to Question 128-14(4): GNWT Efforts to Reduce Impaired Driving

MR. BRADEN: Mr. Speaker, as always, I support a department's work to get these kinds of thing right the first time and the time taken, I hope, is well spent. I would remind the Minister that it has been five years since the national strategy came into place. I think we have had ample time and I do look forward to seeing it in the spring. In the meantime, I would ask the Minister, would it be the department's intention to circulate the draft to interested organizations like SADD to get their input before it comes in final stage to this Assembly? Thank you.

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

Further Return to Question 128-14(4): GNWT Efforts to Reduce Impaired Driving

HON. VINCE STEEN: Thank you, Mr. Speaker. Mr. Speaker, I am prepared to take this suggestion to the department to see whether or not we would be running this draft legislation by

people like MADD or the student organization as well. However, I would have to take that into consideration as to whether I have the ability to do this. I have to caution that I may not have the ability to do this, I may have to present it as it is through the Assembly and then the process would be through the committee process where people would have the ability to respond. Thank you.

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

Supplementary to Question 128-14(4): GNWT Efforts to Reduce Impaired Driving

MR. BRADEN: Thank you, Mr. Speaker. That is a welcome effort on the part of the Minister. Related to this, Mr. Speaker, reflecting on the efforts of students, especially the student organizations in the North, to broaden their influence, would the department be supportive of a request from these organizations to assist them with more coordination and resources to get the word out to other parts of the North on this vital matter? Thank you, Mr. Speaker.

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

Further Return to Question 128-14(4): GNWT Efforts to Reduce Impaired Driving

HON. VINCE STEEN: Thank you, Mr. Speaker. Mr. Speaker, I am glad to say that in the past, the department has supported the Students Against Drunk Drivers through a grant to them to help them put together their conference that they held here in Yellowknife. We take this as a move towards increasing safety on our highways. We would be open to requests for further assistance on their part to assist us in getting out the word, if you wish, to improve safety on our highways. Thank you.

MR. SPEAKER: Thank you, Mr. Minister. Item 6, oral questions. The honourable Member for Tu Nedhe, Mr. Nitah.

Question 129-14(4): Interim Measures Agreements

MR. NITAH: Mahsi, Mr. Speaker. Mr. Speaker, my question today is for the Minister responsible for Resources, Wildlife and Economic Development. It is following the line of questions I asked yesterday and those asked today by Mr. McLeod.

The Minister gave an answer to the Member for Deh Cho on the Interim Measures Agreement. There seems to be a little bit of disparity between the Interim Measures Agreement signed between the federal government, the Government of the Northwest Territories and the Deh Cho, and the federal government, the territorial government, and the Akaitcho. Is there a discrepancy between these two agreements? The department seems to be dealing with these two groups, who seemingly have the same agreement, differently. What is the difference, 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.

Return to Question 129-14(4): Interim Measures Agreements

HON. JOE HANDLEY: Mr. Speaker, yes, we cannot assume that the two agreements are the same because they are negotiated by two different aboriginal leaderships.

The main fundamental difference between the two is that in the case of the Deh Cho Interim Measures Agreement, a process is laid out quite clearly for dealing with various issues that either protection or action needs to be taken. In the case of the Akaitcho Interim Measures Agreement, there are no schedules negotiated so all we have is the framework document without any detail of what the processes will be. I assume those are yet to be negotiated. Thank you.

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

Supplementary to Question 129-14(4): Interim Measures Agreements

MR. NITAH: Thank you, Mr. Speaker. In the spirit of due process and the spirit of intent of these negotiated agreements, would the Minister consider holding off of the granting of the permit to Mr. Patterson until such schedules are negotiated, so that there is a clear process and understanding by all people involved? 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 129-14(4): Interim Measures Agreements

HON. JOE HANDLEY: Mr. Speaker, I do not believe that I have the authority to be able to do that. I think that is something that has to be negotiated with the Akaitcho leadership, Akaitcho negotiators. Certainly we have been discussing how to handle this issue with our Department of Justice as well as my Department of Resources, Wildlife and Economic Development.

I also have, as I indicated before, a letter for Minister Nault, but all I can say at this time is I urge the negotiators to get on with finalizing those schedules so we have clear direction. Thank you.

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

Supplementary to Question 129-14(4): Interim Measures Agreements

MR. NITAH: Thank you, Mr. Speaker. Mr. Speaker, can the Minister explain why his department cannot move on a political issue? He has to react to a suggestion or direction from the Mackenzie Valley Board -- so that people can understand in TV land and in the House here today, why can the Minister not just say no? Mr. Speaker, why can he not just say no? 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 129-14(4): Interim Measures Agreements

HON. JOE HANDLEY: Mr. Speaker, anytime the government is asked to issue permits or licences, it has to do so within existing guidelines, regulations, legislation. We cannot just arbitrarily say yes or no. I have to work with the legislation, regulations, guidelines and policies that exist.

If I did not do that and just arbitrarily said yes or no to permits, then I think I would be opening up our government to being sued by individuals and companies who feel they have a legitimate right to apply for and receive an application.

I have to work with what is there already. I cannot make assumptions about what might be in the future or what political consideration might have to be taken into account. Thank you.

MR. SPEAKER: Thank you, Mr. Minister. Item 6, oral questions. The honourable Member for Mackenzie Delta, Mr. Krutko.

Question 130-14(4): Status of Aklavik Curling Rink

MR. KRUTKO: Thank you, Mr. Speaker. Mr. Speaker, in my Member's statement, I made reference to the community of Aklavik's concerns of exactly where on the drawing board is the curling rink that was promised to the community of Aklavik and has shown up in several five-year capital planning processes. It was supposed to be in place for 2003-04, and constructed in 2004-05.

Mr. Speaker, the community has been fundraising for this, to have the facility replaced so that they can feel ownership of the project. Yet, Mr. Speaker, the community is now in the dark on exactly where we are with regard to having their curling rink being replaced, knowing the one they have in their community has been condemned and shut down for several years. The latest reports we have say it is not worthwhile for this government to do any work to replace it.

I would like to ask the Minister responsible for Municipal and Community Affairs exactly where is the Aklavik Curling Rink Project in the five-year capital planning process?

MR. SPEAKER: Thank you, Mr. Krutko. The honourable Minister responsible for the Department of Municipal and Community Affairs, Mr. Allen.

Return to Question 130-14(4): Status of Aklavik Curling Rink

HON. ROGER ALLEN: Thank you, Mr. Speaker. I would like to respond in the context of what happened to the curling rink. It was condemned because of various contraventions of the Public Health Act and the regulations. The important thing here, Mr. Speaker, is that we have gone into Aklavik to do an assessment of the curling rink. We felt there was still some opportunity to refurbish it, to extend the life of the curling rink. We have not heard back from the community whether that was acceptable or not at this point. Thank you.

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

Supplementary to Question 130-14(4): Status of Aklavik Curling Rink

MR. KRUTKO: Thank you, Mr. Speaker. It is good to know the history, but the question was where in the five-year capital planning process, where there was supposed to be expenditures made in 2002, 2003, 2004 in regard to \$50,000 being spent on the design work and \$665,000 for the curling rink. Can the Minister tell me exactly where are those resources that are supposed to be allocated for a curling rink?

MR. SPEAKER: Thank you, Mr. Krutko. The honourable Minister responsible for the Department of Municipal and Community Affairs, Mr. Allen.

Further Return to Question 130-14(4): Status of Aklavik Curling Rink

HON. ROGER ALLEN: Thank you, Mr. Speaker. Yes, the curling rink was removed from the capital planning process due to the fact that there were other priorities developed through the filtering. One was the importance of our expenditure on the quality of water, which took a great amount of our capital planning budget, as well as fire protection, which was another important part for the protection of the people. Thank you.

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

Supplementary to Question 130-14(4): Status of Aklavik Curling Rink

MR. KRUTKO: Thank you, Mr. Speaker. Mr. Speaker, can the Minister tell us exactly who removed this from the capital planning process and when is this government going to reinstate that project?

MR. SPEAKER: Thank you, Mr. Krutko. Two questions there, Minister Allen.

Further Return to Question 130-14(4): Status of Aklavik Curling Rink

HON. ROGER ALLEN: Thank you, Mr. Speaker. I understand that it is a government-wide planning process. I think it is under review by this House. That is as much knowledge as I have on the subject. Thank you.

MR. SPEAKER: Thank you. Final supplementary, Mr. Krutko.

Supplementary to Question 130-14(4): Status of Aklavik Curling Rink

MR. KRUTKO: Thank you, Mr. Speaker. Mr. Speaker, I find it interesting that the review is going to take place in this House, which is something new to probably all of the Members on this side of the House, where we have not had any input into that process.

I would like to ask the Minister when that is going to take place in this House? How is a community such as Aklavik going to have input into this new planning process that you mentioned?

MR. SPEAKER: Thank you, Mr. Krutko. The honourable Minister responsible for the Department of Municipal and Community Affairs, Mr. Allen.

Further Return to Question 130-14(4): Status of Aklavik Curling Rink

HON. ROGER ALLEN: Thank you, Mr. Speaker. As I said earlier, the committee is reviewing the process. We continue to work with the Hamlet of Aklavik and also the curling club to try to find a resolution to this problem.

Our suggestion was we should have an investment of \$219,000 to help them refurbish the building, but again I would like to mention to the Member that we had no response back since. Thank you.

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

MS. LEE: Thank you, Mr. Speaker. Mr. Speaker, my question was for a Minister who...I cannot ask questions today.

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

Question 131-14(4): Adoption Act Amendments

MS. LEE: I am sorry, Mr. Speaker. I believe I can direct my question to the Premier. My question has to do with the amendments to the Adoption Act in order that same-sex couples can adopt a child at equal capacity.

This question was raised in the House earlier and the Minister and Premier indicated that the government has engaged in a comprehensive review in this area. I would like the Premier to indicate to this House what the time frame is as to when these amendments might come forward. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Ms. Lee. The honourable Premier, Mr. Kakfwi.

HON. STEPHEN KAKFWI: Thank you, Mr. Speaker. Excuse me, Mr. Speaker, can I have that question again, please?

MR. SPEAKER: Thank you, Mr. Premier. Ms. Lee, can you just restate your question as best you can?

MS. LEE: Thank you, Mr. Speaker. Mr. Speaker, my question was in regard to proposed amendments to the Adoption Act that would enable same-sex couples to adopt a child so that each party of the couple could have equal legal capacity. This government indicated earlier that it was engaged in a comprehensive review to bring these changes forward. I would like to know from the Premier where the government is at with this proposal. Thank you.

MR. SPEAKER: Thank you, Ms. Lee. The honourable Premier, Mr. Kakfwi.

Return to Question 131-14(4): Adoption Act Amendments

HON. STEPHEN KAKFWI: Thank you, Mr. Speaker. Mr. Speaker, a comprehensive review is underway at this time to ensure that same-sex common-law relationships are treated the same as opposite-sex common-law relationships in all Northwest Territories legislation.

It is expected, as the Member suggests, that this comprehensive review will take some time. However, two pieces of legislation are of particular concern to our residents

and therefore require immediate attention. These are the Adoption Act and the Family Law Act.

Cabinet has directed development of amendments to these two pieces of legislation and these should proceed as quickly as possible. Thank you.

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

Supplementary to Question 131-14(4): Adoption Act Amendments

MS. LEE: Thank you, Mr. Speaker. Mr. Speaker, I am glad that the government has recognized that there is some legislation that has to be acted upon immediately and not wait for the comprehensive review.

In listening to some of the media reports or the answers that the Minister had previously given, it is not clear to me what the immediate future means. Can I get an indication as to whether or not we can be expecting something in this session or this fall? Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Ms. Lee. The honourable Premier, Mr. Kakfwi.

Further Return to Question 131-14(4): Adoption Act Amendments

HON. STEPHEN KAKFWI: Thank you, Mr. Speaker. Mr. Speaker, it is difficult to give a time frame to it. I can comment on that briefly. Mr. Speaker, there are a number of pieces of legislation that will require amendments so that it complies with the Supreme Court ruling so that it is kept up-to-date in keeping with other precedents set in other jurisdictions regarding the definition of spouse and freedom from discrimination based on sex.

Our preliminary review has identified more than 35 individual acts which will have to be considered. In addition to the Adoption Act and Family Law Act, the list includes many, many more, such as the Fatal Accidents Act, the Mechanics Lien Act, the Public Trustee Act, Residential Tenancy Act, Maintenance Order Enforcements Act, and the list goes on.

It is difficult to suggest how long this may take, but we have indicated that this review probably will not be completed until sometime in the new year.

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

Supplementary to Question 131-14(4): Adoption Act Amendments

MS. LEE: Thank you, Mr. Speaker. Mr. Speaker, I thank the Premier for the answer and I appreciate where he is coming from, but I cannot say that I agree with this approach. Mr. Speaker, we are all aware here that we are almost past the halfway point in this mandate. We know that any substantive legislation that could see the light of day has to be in very short order. If the review is not going to be done until next January, it is very likely that this will not see the light of day.

Further, Mr. Speaker, I know that there are legal beavers in the government who could do this, who have no problem producing

a hotel tax and highway toll tax in no time flat, so I am sure it is a matter of priorities, Mr. Speaker. Could the Minister comment on that?

MR. SPEAKER: Thank you, Ms. Lee. The honourable Premier, Mr. Kakfwi.

Further Return to Question 131-14(4): Adoption Act Amendments

HON. STEPHEN KAKFWI: Thank you, Mr. Speaker. I do not know if those were flattering comments but I take them in that light. Mr. Speaker, it is true, as I have said, there are something like 35 pieces of legislation that we must look at. We already have some legislation that complies with the recent rulings, including the Supreme Court ruling.

It is my view that once the review, the preliminary review is done, we will be in a position to hopefully act quickly in drafting amendments to the legislation for consideration by Members. Thank you.

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

Supplementary to Question 131-14(4): Adoption Act Amendments

MS. LEE: Thank you, Mr. Speaker. Mr. Speaker, with all due respect, I cannot accept that answer. I think that this should be taken as notice to those who want to launch a court action because, Mr. Speaker, the suggested amendments are nothing new. These are laws that exist everywhere else. Most of the statutes in the Territories are adopted from some other jurisdiction so I am sure that this is not as hard as it looks. It is really a matter of priorities.

Mr. Speaker, I put the government on notice that this cannot be delayed until they find the time and space for it, when it is convenient to them. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Ms. Lee. There was no question there. Item 6, oral questions. Supplementaries are reserved for questions. Item 6, oral questions. The honourable Member for Mackenzie Delta, Mr. Krutko.

Question 132-14(4): Aklavik Curling Rink

MR. KRUTKO: Thank you, Mr. Speaker. Mr. Speaker, my question is for the Minister responsible for MACA. It is regarding the petition that was placed in this House asking that the new curling rink be built in Aklavik, with 135 signatures from that community.

Mr. Speaker, the community has been raising money to have a new curling rink. I would like to ask the Minister, for the benefit of the people of Aklavik, could he clearly state exactly where the community stands in their fundraising efforts and the request that was put forth with a petition? Where is that?

MR. SPEAKER: Thank you, Mr. Krutko. The honourable Minister responsible for the Department of Municipal and Community Affairs, Mr. Allen.

Return to Question 132-14(4): Aklavik Curling Rink

HON. ROGER ALLEN: Thank you, Mr. Speaker. First of all, I would like to just clarify my previous answer, and that was that the curling rink was no longer a high priority weighted against water, sewer and other community infrastructure. Specific to Aklavik, we urge the community again to work out and do some fundraising. Perhaps we can look at it in a more economical sense that we can repair the existing infrastructure and extend the life of it. Thank you.

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

Supplementary to Question 132-14(4): Aklavik Curling Rink

MR. KRUTKO: Thank you, Mr. Speaker. Mr. Speaker, can the Minister clarify exactly how much money does the community have to fundraise for this effort?

MR. SPEAKER: Thank you, Mr. Krutko. The honourable Minister responsible for the Department of Municipal and Community Affairs, Mr. Allen.

Further Return to Question 132-14(4): Aklavik Curling Rink

HON. ROGER ALLEN: Thank you, Mr. Speaker. At this point, we do not have any specific projections. If the report is not conclusive and not satisfactory to the municipality, we would like to do further assessments on the amount of repairs and we will report back. Thank you.

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

Supplementary to Question 132-14(4): Aklavik Curling Rink

MR. KRUTKO: Thank you, Mr. Speaker. Mr. Speaker, could the Minister make an attempt to ensure that the community of Aklavik, through his department of Municipal and Community Affairs, either through the Inuvik office or his office here in Yellowknife, that they have someone in Aklavik to basically talk to the community and members of the curling club to let them know exactly where they do stand and exactly where this government is going with this effort, so that they can try to work this out by dialogue rather than having to pass letters back and forth where we do not seem to be getting anywhere. Can he make that attempt?

MR. SPEAKER: Thank you, Mr. Krutko. The honourable Minister responsible for the Department of Municipal and Community Affairs, Mr. Allen.

Further Return to Question 132-14(4): Aklavik Curling Rink

HON. ROGER ALLEN: Thank you, Mr. Speaker. Yes, we have continued dialogue with the community. It has been a valiant effort on behalf of the community, I must admit. As I said earlier, the initial projection was about \$219,000 to refurbish the building. We want to do further estimates on the building and we will again communicate that back to the curling club. Thank you.

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

Supplementary to Question 132-14(4): Aklavik Curling Rink

MR. KRUTKO: Thank you, Mr. Speaker. Mr. Speaker, I would like to ask the Minister, is this the practice of the government that all recreation facilities built in our communities, that the community has to raise money on their own to offset some of those costs? There are other facilities that are being presently built in the budget for other municipalities and communities. Is that the practice?

MR. SPEAKER: Thank you, Mr. Krutko. The honourable Minister responsible for the Department of Municipal and Community Affairs, Mr. Allen.

Further Return to Question 132-14(4): Aklavik Curling Rink

HON. ROGER ALLEN: Thank you, Mr. Speaker. I am not aware of past historical practice, although for a number of new initiatives in the communities in respect of capital funding for facilities, we prefer to consider that as we want to again reinvest much of our monies into programming dollars. Thank you.

MR. SPEAKER: Thank you, Mr. Minister. Item 6, oral questions. The honourable Member for Mackenzie Delta, Mr. Krutko.

Question 133-14(4): Extension of Delta Ferry Crossing Season

MR. KRUTKO: Thank you, Mr. Speaker. Mr. Speaker, my question is for the Minister responsible for Transportation. We are having awfully mild weather this fall. The Mackenzie River at the Arctic Red Ferry crossing does not have any water to date, and the same with the Peel River.

I would like to ask the Minister, can the department extend the season for as long as we can to ensure that any trucks or loads that are coming from the south are able to get through to Inuvik, knowing that we are probably having a later fall than usual? Can the Minister let me know if it is possible to extend the season this year for those ferry crossings?

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

Return to Question 133-14(4): Extension of Delta Ferry Crossing Season

HON. VINCE STEEN: Thank you, Mr. Speaker. Mr. Speaker, in the past, we have always timed the closing times of the ferries along with weather. We also take into consideration funding that we have available for that particular service and program. We continue to do that. I can assure the Member that I will take the question to the department and have the department consider it and get back to the Member. Thank you.

MR. SPEAKER: Thank you, Mr. Minister. Supplementary, Mr. Krutko. No supplementary? Item 6, oral questions. Item 7, written questions. Item 8, returns to written questions. Item 9, replies to opening address. Item 10, petitions. Item 11, reports of standing and special committees. The honourable Member for Yellowknife South, Mr. Bell.

ITEM 11: REPORTS OF STANDING AND SPECIAL COMMITTEES

MR. BELL: Thank you, Mr. Speaker. Mr. Speaker, I seek unanimous consent to waive Rule 93(4) and have Committee Report 6-14(4) ordered into committee of the whole for today. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you. The honourable Member is seeking unanimous consent to waive Rule 93(4) and have Committee Report 6-14(4) ordered into committee of the whole for today. Are there any nays? There are no nays. It shall be moved to committee of the whole for today. Item 11, reports of standing and special committees. Item 12, reports of committees on the review of bills. Item 13, tabling of documents. The honourable Member for Thebacha, Mr. Miltenberger.

ITEM 13: TABLING OF DOCUMENTS**Tabled Document 49-14(4): Report of the Standing Committee on Social Programs on the Review of the Cuff Report**

MR. MILTENBERGER: Thank you, Mr. Speaker. I wish to table the report of the Standing Committee on Social Programs on our review, It's Time to Act, also known as the Cuff report.

Mr. Speaker, this report was provided to the Minister of Health and Social Services on August 15, 2001 and represents the committee's views at that time. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Mr. Miltenberger. Item 13, tabling of documents. The honourable Member for Weledeh, Mr. Handley.

Tabled Document 50-14(4): Comprehensive Response to Committee Report 2-14(4), Report on the Review of the ATIPP Commissioner's 1999-2000 Annual Report

HON. JOE HANDLEY: Mr. Speaker, on behalf of the Minister of Justice, 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, Mr. Minister. 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. 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: Ministerial Statements 1-14(4), 3-14(4), 4-14(4), 5-14(4), 7-14(4), 13-14(4), 30-14(4), 31-14(4); Bills 5, 6, and 7; and Committee Report 614(4), with Mr. Krutko in the chair.

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

CHAIRMAN (Mr. Krutko): Welcome to committee of the whole. We have: Minister's Statement 1-14(4), Minister's Statement 3-14(4), Minister's Statement 4-14(4), Minister's Statement 30-14(4), Minister's Statement 31-14(4); Bills 5, 6, 7 and 13; and Committee Report 6-14(4). What is the wish of the committee? Mr. Bell.

MR. BELL: Mr. Chairman, I recommend we consider Committee Report 6-14(4).

CHAIRMAN (Mr. Krutko): Does the committee agree?

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Krutko): With that, we will take a short break and we will begin with Committee Report 6-14(4).

-- Break

CHAIRMAN (Mr. Krutko): The committee will come back to order. We are dealing with Committee Report 6-14(4), Confidence in the Integrity and Standard of Government -- the Report of the Special Committee on Conflict Process.

The process that I propose to follow to permit debate of this report will be to allow the Chair of the special committee, Mr. Bell, to make any opening comments. After Mr. Bell's comments, all Members will have the opportunity to make general comments on the report for up to ten minutes at one time in accordance with our rules. If no other Member wishes to speak, then I will permit the Member to continue if he or she wishes to do so. However, if there are other Members who have indicated they wish to speak and have not spoken yet, I will go to that Member.

Once all general comments have been made, I propose that the committee would proceed to consider the recommendations. This is the process that we intend to follow to allow full debate on Committee Report 6-14(4).

With that, at this time I would like to ask Mr. Bell if he has any comments. Mr. Bell.

MR. BELL: Thank you, Mr. Chairman. Yesterday the report of the Special Committee on Conflict Process was presented to the House. The committee believes that the issues addressed in the report are ones that are deserving of the many hours of hearings, discussion and analysis that they have received to date. We also believe that the issues are ones which require the careful consideration by all Members of this Assembly, as individual Members. These issues touch all of us, our individual and collective reputations, our willingness to scrutinize our own actions, responsibilities and conduct.

I will be presenting four motions to the committee dealing with each of the recommendations in the report. The motions will allow Members to debate each recommendation fully and distinctly so that the clear will of the committee is known upon adoption or otherwise of the separate motions.

Mr. Chairman, with these brief comments, I look forward to hearing the views of my colleagues on these important matters. Thank you.

CHAIRMAN (Mr. Krutko): Thank you. General comments? Mrs. Groenewegen.

HON. JANE GROENEWEGEN: Thank you, Mr. Chairman. Mr. Chairman, for the record today, I do apologize that I seem to have left a sentence out of my Member's statement, a rather important one with the word "resignation," tender my resignation, so for the record, I would like to confirm for the House that a letter of resignation was delivered to the Speaker and it is effective today. I apologize for that not being clear.

You all had a funny look on your faces when I sat down. Thank you.

CHAIRMAN (Mr. Krutko): Thank you for that, Mrs. Groenewegen. General comments. General comments on Committee Report 6-14(4). Mr. Bell.

MR. BELL: If there are no general comments, Mr. Chairman, I can move forward with the recommendations.

CHAIRMAN (Mr. Krutko): Mr. Ootes, general comments.

HON. JAKE OOTES: Mr. Chairman, I would like to make some general comments and would like the indulgence of the Members if I do exceed my ten-minute limit since there are no other speakers.

Mr. Chairman, this subject we are debating today has considerable bearing on us all, and on what we do in this House. This is, let us not forget, the people's House and it is their business that we conduct here.

This is done and it is meant to be done within a transparent and democratic framework, free from any threats, free from any manipulation. Indeed, Mr. Chairman, doing the people's business in a free and accountable manner is one of the reasons for our being here. Mr. Chairman, any act of ours, be it wilful or in error or misdeed that removes, negates or compromises that sanctity entrusted to us by the people should concern us all greatly.

Mr. Chairman, it is my view that in our dealings with this conflict issue, we may have sleepwalked into compromising, in a very serious way, the very spirit of the dealings of the trust placed in us, both in representing the people's will and in doing their business. Mr. Chairman, I was both alarmed and my democratic instincts assaulted by the process we undertook.

At this point, freed of my shackles today, I feel duty-bound to raise my significant concerns at what we have done. This is particularly so since it does deal with the very issues that we are here to represent and protect and above all to abide by. Issues like authority, legitimacy, consensus, and our very democratic practices. Issues that raise the question of whether we have violated the unique and democratic principles we have put in place in the Northwest Territories.

Mr. Chairman, my quarrel is with the slide into what my colleague for Inuvik Boot Lake, Mr. Roland, so candidly and astutely remarked in his committee deliberations as, "The muddying waters, as they say, when it comes to the legal jurisdiction." Mr. Chairman, even if my colleague was not speaking in the context I am now, his comments are appropriate and apt and at the heart of my concerns.

Mr. Chairman, my specific quarrel is with the special committee's claim of quasi-judicial authority for dealing with its deliberations, specifically the letter of June 15, 2001. This letter, which amounted to a gag order and in my view, which is shared by a number of individuals, Mr. Chairman, has had many wide-reaching ramifications on our unique system of government and perhaps the very fundamentals of our democracy.

Taken together, these two aspects of the committee's work have wreaked havoc on our government process. Indulge me a

bit longer, Mr. Chairman. Let me take each of my concerns in turn. I have six specific ones.

First, Mr. Chairman, in all governments, process is essential to its practice. In democratic government, process is enshrined in specific law, or checks and balances. The process is open. There is no mystic or arbitrariness to it. When issues are dealt with in accepted norms, values or processes, they are oriented with consensual legality. However, if this essential of any democratic process is flawed or suspect, it undermines the second and perhaps most important foundation of democracy; consensus, on which we place even greater value in this House.

It is my view, Mr. Chairman, that in allowing certain latitude to the special committee in its deliberations, we may have flawed the process, which likely undermines the very findings we seek to debate in this session.

Secondly, Mr. Chairman, if our process is flawed, then we undermine the consensus we so strive to build here. Here in the Northwest Territories, Mr. Chairman, we not only have the normal political burden of creating consensus on process, but a double burden of creating consensus on the direction of each administration and its policies.

We have, Mr. Chairman, a unique and special consensus rooted in a centuries-old system, which has been in existence here in the North. We have to agree not only on how we do things but also on what things to do. So Mr. Chairman, in our government, as in any other democratic one, consensus is needed. For us, it is also necessary. In my view, Mr. Chairman, a consensus in dealing with the current conflict issue existed when the special committee was set up to look into the Commissioner's alleged bias, et cetera.

Once the special committee moved to a wider mandate, only very narrowly granted, a quantitative change took place that undermined this consensus. In my view, the mandate sought by the special committee needed nothing less than the unanimous consent, given the nature of its investigations. Anything less would always make its decisions shrouded in dissent and lacking legitimacy, given the unique and exceptional mandate it was seeking.

Nevertheless, Mr. Chairman, when the special committee's mandate was renewed and it began to look at wider issues than the Commissioner's alleged bias, that consensus we value was seriously jeopardized, in my mind. We were not wise in seeking this path, Mr. Chairman, and I did warn of that in the debate in July, that a different path was desirable. We acted hastily and without adequate deliberation. Actions not expected from us by those who put us here. Indeed, quite the contrary. We are expected to be cool-headed and aware of our consequences and our actions.

Thirdly, Mr. Chairman, it may well be that the quasi-judicial powers taken on by the committee may indeed be a breach of many of the House rules, of House procedures and of House process. All of the terms of the special committee, Mr. Chairman, are clearly and explicitly spelled out in the motion made in this House in July. Not one of those terms of reference suggest, implies or refers to any quasi-judicial powers or role for the committee, notwithstanding its right to seek legal advice, et cetera.

Mr. Chairman, my point here is that if all the other terms of reference are so explicit, then why is the quasi-judicial power of the committee not spelled out too? Is it that we did not mandate the special committee to have those? Was this power simply assumed?

Mr. Chairman, I suggest that these were indeed assumed, perhaps inadvertently. The committee had no mandate from this House to that end. Mr. Chairman, this assumption was not only wrong but outside its powers and a breach of this House's rules. Indeed, Mr. Chairman, the gag order that flowed from this assumption of quasi-judicial power certainly clashed with and breached House rules in one very specific instance, which I shall deal with next.

Mr. Chairman, the gag order silenced my constituents' voice by precluding me from talking about an issue that most of my constituents were not only interested in but were concerned about. In my view, Mr. Chairman, this concern was right and proper because the conflict issue was hurting this government's credibility, confidence and this House's judgment in the process we had chosen to deal with the issue. I believe, Mr. Chairman, in gagging me, the special committee may have breached a cardinal rule of this House, namely my absolute privilege in at least two aspects: one, my freedom of speech and two, my freedom from obstruction and intimidation in relation to my duties as an elected representative of my constituents.

You will notice, Mr. Chairman, that my complaints are couched in may or may have language, and again this is because the gag order precluded me from seeking clarification from the Clerk of this Assembly, since he became one more person I could not talk to about matters raised in this gag order.

Indeed, Mr. Chairman, this is the very first time I have had the opportunity to address this matter fully. In the last special session of our sitting in July, we were preoccupied with whether the committee should have an extended mandate or we should engage in another process. Indeed, it was not clear even then whether all issues could be addressed -- murky political waters everywhere, Mr. Chairman.

Mr. Chairman, my point here, if it is not already obvious is that in allowing a widened mandate to the special committee in endorsing through our silence its quasi-judicial role, this House may well have left its collective wisdom at the door. Mr. Chairman, I seek unanimous consent to conclude my statement.

CHAIRMAN (Mr. Krutko): Excuse me, but we agreed to the rules of the House, which is ten minutes for each presenter. I will come back to all presenters once everybody has had an opportunity to speak. Those are the rules we started the process with so I will allow you to have an opportunity to speak, Mr. Ootes, after I recognize other speakers on my list. Mr. Kakfwi.

HON. STEPHEN KAKFWI: Thank you, Mr. Chairman. Mr. Chairman, I believe the report must be reviewed fully, with adequate time for debate by everyone concerned and implicated by this report, if they wish to provide comments.

Mr. Chairman, in part one of the report, the committee, having been blessed with the authority of the Legislature, set out, in their own words, on a journey largely uncharted. They say that they undertook these obligations with sincere intention. I want

to make it clear that I accept that. I really believe that in the beginning, members of this committee set out with sincere intentions to do the best job possible.

My concern in the beginning, and I stated it in this House, is that there was not sufficient time and because it was, as Members said, largely uncharted territory, adequate time must be assured of everyone, otherwise they should not be undertaking this job.

Mr. Chairman, I believe my concerns are well-founded because it is true that the committee did virtually no work in July, virtually no work in August, and yet they allege that there was a flurry of activity around my office in July. Surely there was more of a flurry of activity by this committee in September. People were on holidays, including the Law Clerk. There was no priority given to organizing and putting the proper attention and resources to this job.

I believe that it was necessary -- absolutely necessary -- to have the time to do that job and that this committee could not afford the perception that theirs was a hasty, ill-prepared, not-thought-through process because they started with the view that theirs was a largely uncharted territory.

I think the testimony and the comments through the committee proceedings indicate that they were making decisions on the go, sometimes as late as one o'clock in the morning, apparently.

So if the committee was hoping to deliver a report that would be, through their own declaration, quasi-judicial in its proceedings, it is difficult for me to see that.

Did they spend the time necessary to do an adequate job? I would say no. Lawyers were sitting well beyond the time of human endurance and asked to make decisions and rulings. Why the committee decided they had to conclude and convene at a certain date was because they said everybody was so busy and it was so difficult to schedule a time.

Again I go back to the concern I expressed in July. I was not assured that this would be a job that would be the priority of the members of that committee and the people serving that committee and because so many members had said they were busy, summer was coming, there were commitments far beyond what most of us ordinarily are prepared to commit to, that the chances of this committee doing a good job and enjoying the perception that they were going to do a good job was in jeopardy.

In my view, if it were open and if it were fair, then why were certain witnesses denied access? If you were going to make allegations about my testimony, for instance, and what I did in the first two weeks of July, why did you not ask me? Why do you allege that there was a flurry of activity in my office and that there was none for the first two weeks of July? You never asked me about that. Certainly there was no questioning about it. If you had, I would have told you.

Certainly the order to be absolutely diligent about what we could and could not do, say or take action on was a very serious letter. Those were the things that were considered. How was I as the Premier going to honour that and still take action?

There is nothing in my testimony that said I am only concerned about the legal aspects of the allegations that were made. Where in the testimony, in the evidence, do I say that? Yet you have no qualms about making that conclusion here.

I have said things to the contrary. In reports, I said I think they were serious and that they needed to be dealt with. That is what I have said.

There is a question in my mind. If a member of the public, Lee Selleck, was in such clear contempt of this committee -- clear contempt, according to the members of this committee -- then where is the logic? Tell me where is the logic that says therefore we recommend that no further action be taken? That totally disengages any logic. If it is clear contempt of this House, then surely we do something about it. If you could not do anything about it, why mention it in the first place?

There is testimony given by April Taylor. She swore categorically it was definitely in John Bayly's office. It was not. Nobody else could even remember where it was, but based on the telephone recording, we discovered it was in my office. Is the rest of her testimony credible? Members of the committee seemed to think so. I have difficulty with that. What else is not clearly recollected in her mind? I think she is sincere and honest about it. When there is testimony that is all conflicting, can you be selective about who you believe and who you do not?

Other members were not allowed to question and provide evidence to the contrary. There was no legal standing given so I have difficulty with that.

The members know that as a Premier, I took action. I gave letters of reprimand. I suggested a letter of reprimand be also given to April Taylor. The advice from senior management was there was no letter of reprimand warranted to anyone. You heard April Taylor tell you categorically, "Quite frankly, I don't think I deserved one." The fact is she did not get one. My advice was I think she should because she clearly is the one that says "I remember from beginning to end there was taping done and I was very upset." Was she upset in March? Was she upset all that time or was she just upset when she realized, "This is really serious?" I do not know that. I do not know that.

However, she never got a letter of reprimand. She would not deserve one. I think there are serious problems with the report and as we go through it, I would suggest that we do each recommendation one at a time. I think they deserve to be gone through page by page. Thank you.

CHAIRMAN (Mr. Krutko): Thank you, Mr. Kakfwi. Next on my list I have Ms. Lee.

MS. LEE: Thank you, Mr. Chairman. Mr. Chairman, I expect that I will make specific comments under each motion when the items come up for debate, but as a way of general comment on this report, I would like to state first of all that I would like to acknowledge the courage and the respect for this House that the Minister has shown in tendering her resignation this afternoon. I am sure that it was not an easy thing for her and I really would like to acknowledge her for having done what she felt was right for the integrity and respect for this process, so as to avoid unnecessary debate that might debase this process even further.

Secondly, Mr. Chairman, I need to state that yesterday and throughout today, I was asked by the media about whether or not I thought that the Minister should resign. Apparently there was a poll being conducted and I chose not to respond to any of those inquiries because when I sat here and read the report while it was being reported, my sense was just an overwhelming sense of sadness and dark clouds coming over this House. It just really was not a good day for this House and this government and for the people of the Territories. I wanted a moment to reflect on that and I felt that it was no longer a question about whether a Minister should resign or not. It was much bigger than that.

I really do believe that by the content of this report and the process of this committee, a serious assault has been committed to the constitutional and democratic system that we are here to protect.

Mr. Chairman, the overwhelming sense I get from reading and reflecting on this report is an apparent abuse of power by those who have been given the power from this Assembly to conduct an inquiry into an issue that needed to be looked at.

Mr. Chairman, I have looked at the report to see where this committee obtains power and apparently it comes with the notion of parliamentary privilege. The way it reads in the excerpt from Beauchesne and other authorities, as outlined in this report, it appears that we do have unlimited power, apparently, and it really gives the ones who proclaim to have it a lot of power to do whatever it is that it sees fit in doing.

At the same time, Mr. Chairman, I have stated on many occasions in this House that for every right, privilege and power that we as Members have as an elected representative, along comes with that at least an equal amount of responsibility to make sure that that power is not abused and that there is some sense of balance and check.

I do believe that the tone and the context of this text shows an excessive sense of righteousness, negativity and moral superiority that has gone completely unchecked. As I reflect on this, I keep telling myself that I have to be measured in my response. I have to be respectful of the process and I have to be respectful of this House which, Mr. Chairman, I must admit is not really in line with my normal personality. I am usually not measured about many things. I like to just say what I think and stand or fall by them. I will try to do that as much as I can in this debate.

I was very saddened by the negativity of this report and the consequence of this report in destroying a number of reputations of all parties involved and in the way it was written so as to make the impact more negative and more insidious. I saw in here a complete disregard and disrespect for the place and role of media and public service in a constitutional democracy and in a democratic system. I see a process that lacked at least giving very discretionary access to fairness and due process to the parties involved. I see a process that showed a complete lack of natural justice for parties involved equally.

At the bottom of all this I think, Mr. Chairman, that we have to remember is how we started this process, how this process got started. I could appreciate and I could accept that there might be a time when a House like this may want to exercise the kind of power that it has chosen to exercise in this process. If there was a state of emergency, if there was some sort of

happenings that really seriously jeopardizes lives of the people or our future or something like that.

However, what we have to remember is the little seed that started this process is a stupid clerical error on a corporate registry. It was an error that anybody who practices in that area knows happens daily. I realize that there were incremental steps taken by each party in this process to make it bigger and larger than it had to be. I do not want to impugn the Minister, but I think the Minister has acknowledged that she used a lack of judgment in that sense. I think what this committee has done has made that tenfold more insidious than it had to be.

I think we have to remember that. I think that in order for a House like this to come down with the kind of power that it chose to exercise, we have to account for what the reasons are.

Mr. Chairman, I kept thinking about this abuse of power and I guess I have to accept that if we feel that it is fit and it is in the interests of the public to use the power in that way, I do not think we are without the requirement for accountability and the party that we are accountable to. I do not think we are reviewable by any courts or anybody. The court of appeal for this decision is this House. The final court of appeal of what goes on with respect to this report and this issue is the people out there. People have to take the time to listen to what is going on here and judge us as to whether we have used a fair sense of judgment in dealing with this entire issue. I think that is the only accountability and that is the most important accountability. I think that all of us have to really reflect on that so with that, I am going to close my general comments and make more specific comments under each category of motion. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Delorey): Thank you, Ms. Lee. Mr. Krutko.

MR. KRUTKO: Thank you, Mr. Chairman. I find it awfully embarrassing to have to be here again in the 14th Assembly after having gone through a similar process with the 13th Assembly. I find it awfully embarrassing as a Member of this House that it had to come to this point, where we are having to deal with it in this manner. This could have been cleaned up a long time ago. We could have avoided all the embarrassment to each and every one of us. This will be left as a legacy to the 14th Assembly as it was to the Members of the 13th Assembly.

I for one feel that regardless of who said what, how the process came out, the fundamental point here is the public trust. The public has a right to trust this government to the point that if someone makes a phone call and they are being heard on the other side through an intercom system, that they are not being recorded. If they are, that someone should have put them on notice that it was taking place.

I think for myself as a Member, I know I put a lot of calls to different Ministers' offices wondering if those conversations had been recorded. We hear of a particular instance in U.S. history of a President being put out of office because of a thing called Watergate. In that case, something to a similar effect of phone calls being bugged and what not. We cannot take it lightly that this is a one-time incident or that this is the end of it.

For a senior office of this government, where this phone call took place, again, gives me grave concerns to exactly how high up this ladder this process went.

I feel sorry for all the parties involved in this. Everyone here has been affected, not only those individuals. The people of the Northwest Territories have been affected by what the outcome of this is or is going to be.

I think it is important to realize that when the public trust is no longer either within us or within Members of this House or within this government, where we see these types of activities being played out on television through the media and that for us to try to deal with what is best for the public, what is best for the Northwest Territories, and have to be slammed with something like this, I for one feel that something has to happen. Something has to change so that the public is assured that it will not happen again and there have to be mechanisms in place that those people who were involved are dealt with.

I for one feel that we have to somehow try to rebuild that public trust, which I feel right now is not there. I think through the parties and all the people involved that we have to feel in some ways sorry that it got to this point. From the Conflict of Interest Commissioner who thought she was doing her job, who was being blamed for a lot of things that were outside of her realm, or was the concern of individuals. For her to have been recorded the way she was by senior officials of this government and then to be used as a scapegoat through this process, to focus the blame on that individual -- as far as I see it, she should not take the brunt of this blame.

She was set up for personal gain by an individual to get information and use it against her. For me, that is as close to being slanderous as slanderous can be.

When you use something against another individual, knowing that is power because you have her on a tape recorder, saying, "Well, look here. I have something on you." That is not a way to run a government.

If those are the tactics that are being used by this government, we definitely have a problem within the system. I for one feel that we have to do more than just ream out a few individuals but establish some clear rules and clear policies within this government that will make it a policy, not only within this government, but make it a rule that no recordings whatsoever take place in any way, shape or form during the business of this government, regardless of whether it is out of a particular Minister's office or if it is a private conversation in the boardroom.

I feel that is where we have to focus. We cannot blame it on the committee for doing their work. We cannot blame it on the fact that we were not involved or we did not like the process. Everyone had an opportunity to take part in this process. It was visible. People saw it on television. People were able to hear it through the radio. The media was all over it. We as Members in this House are now having a chance here to respond to the report of the committee, which we as a Legislature established in this House with the particular rules and mandate for them to go out and do a particular job.

At this time, I would like to congratulate the committee for doing the job they did do. It was tough and it was time-consuming. For us to sit over here and say, "Well, they did not take enough time or basically they did not put the energy into it." As we all know, the schedule of Members of this House, it is hectic enough just to try to figure out where you are going to be next

week, never mind trying to figure out where you were last week.

I think for myself, I am again totally appalled that we have had to come to this point but I for one feel that we have to do something to build that public trust and allow the people of the Northwest Territories to feel that they can trust this government. They can trust the bureaucracy to ensure they are out there looking and ensuring that they are there for the public of the Northwest Territories and not for their own individual endeavours.

I for one feel that we as a government have to not only consider the recommendations in this report but also review existing policies and guidelines that we have to ensure that any means of communication is being recorded and that we seriously look at the processes that are being conducted in regard to how communications are being handled between the public, the offices of this government, individuals of other governments, and Ministers and their officials are monitored.

I think this experience shows us that we are not above the law. We are not there to do things on the basis that we think we have the power or we can do it because we feel that we are on top of the mountain. We are here because the public put us here. We are here to represent the interests of the public, to protect the public against the government, not the other way around. We are protecting the public's interest by saying, "We know what is best for you. Trust us." I think that is the thing that is lacking here, is trust.

I feel that we have to take the time and build the trust and make sure we establish those rules so that we do not see this happen again in this government or in any future government that is in place, and it has to come from the Premier's office, since that is where presently everything is being pointed at right now. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Krutko. We will go to Mr. Steen.

Point of Order

HON. VINCE STEEN: Thank you, Mr. Chairman. Mr. Chairman, I would like to treat this more as a point of order rather than general comments. The reason I refer, Mr. Chairman, to a point of order is that I believe we have legislation, the Legislative Assembly and Executive Council Act. I believe it refers in there that should an investigation into a Member's conduct, whether it is a Minister or a Member, be undertaken, that investigation ceases if the Member resigns. Therefore, we do not have a reason any more for this investigation and for this report. The Member has officially resigned.

I believe that if the Members of this House or this committee still feel that there is a need to inquire into the other recommendations, this is not the forum in which to do it because the legislation prevents that. I respectfully request the Chair to look into this point of order to see if in fact we can continue with this report.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Steen. Mr. Steen has requested that we look into a point of order. Do we have any other Members who wish to speak to the point of order? Mr. Krutko.

MR. KRUTKO: Thank you, Mr. Chairman. Mr. Chairman, on the point of order, I believe there is no point of order. We are dealing with a report which is in front of us, so we are speaking to the particular Committee Report 6-14(4), in which that is what the debate is about in this House. We are dealing with the contents of what is in the report and I think that to state that there is a point of order on the basis of the decision that the Member has stepped down does not resolve the contents of this report. We are here to debate the contents of this report and the findings of this report and that is why I believe there is no point of order because we have not done that until we make the final decision with regard to the recommendations of the report and whatever comes out of that at that point.

My point is that we are dealing with the report that is in front of us, which is the due process of this House, which we do through committee of the whole and because of that, I do not believe there is a point of order.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Krutko. Mr. Braden.

MR. BRADEN: Mr. Chairman, Mr. Steen has raised, I think, a valid concern, a point of order -- perhaps a point of clarification -- that relates to a question I wanted to ask as well. With Mrs. Groenewegen's resignation, does that essentially take away the requirement or the task of the committee to consider only recommendation 2? Does it still leave recommendations 1, 3 and 4 before us? On that point of order or clarification, it is a valid one and I would appreciate it, Mr. Chair, if you would indeed take the time if required, perhaps a short break, to have a careful look at this and come back with your guidance to the committee. Thank you.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Braden. Maybe I will go back to Minister Steen for a minute and try and get clarification. Under what rule is he raising a point of order, or would it best be addressed with a legal opinion which we could get, a legal opinion as to whether there is a point of order here. Mr. Steen.

HON. VINCE STEEN: Thank you, Mr. Chairman, and thank you for the opportunity to consider this. I am not clear myself under what rule I am raising this. I am just requesting some consideration to the fact that we may be out of our jurisdiction here in continuing this deliberation because of the existing legislation we have. I think that clarification on that particular piece of legislation is required before we can continue with these deliberations. In a sense, I am raising a point of order as to whether or not we really have the jurisdiction to continue this deliberation.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Steen. On the point of order, there does not appear to be a point of order, but it would probably be better addressed if you were to seek a legal opinion on this issue. We do have our Law Clerk with us if you would wish to address that question to the Law Clerk. Thank you. Mr. Steen.

HON. VINCE STEEN: Thank you, Mr. Chairman, and thank you for the clarification. I will address my question as I stated it previously, and I am sure she heard it. Perhaps she can give us an opinion on whether we are proceeding properly.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Steen. Could we get clarification from the Law Clerk on this issue? Thank you.

MS. PETERSON: Thank you, Mr. Chairman. In my opinion, the committee is proceeding properly with the consideration of this report. I believe that the legislation that Mr. Steen is referring to, the Legislative Assembly and Executive Council Act, deals with the cessation of an investigation when a Member has ceased to be a Member. The process of this committee is dealing with a report which has been put before it by a duly constituted special committee of this Assembly, so the process of this committee of the whole considering that report and adopting it or voting on motions made as a result of it is a proper process at this point in time.

CHAIRMAN (Mr. Delorey): Thank you, Ms. Peterson. M. Steen, having received that clarification, did you wish to continue with your general comments? Mr. Steen.

HON. VINCE STEEN: No, Mr. Chairman, my general comments will be made when we reach the recommendation stage.

-- Interjection

CHAIRMAN (Mr. Delorey): Mr. Dent.

MR. DENT: Thank you, Mr. Chairman. First of all, I would also like to thank Mrs. Groenewegen for taking the high road today and tendering her resignation. I think with that action, she has taken full responsibility and demonstrated remorse for her actions.

My reading of the report indicates to me that the committee has heard the evidence, they have weighed that evidence carefully and I think they have made the right recommendations.

We set up a committee because not all of us were prepared to sit through the days of testimony and that is typical of our process here. We establish committees, whether it is the Governance and Economic Development committee or the Social Programs committee, in order to better utilize our time. We then listen to the recommendations that come forward from those committees in this Legislative Assembly and act upon them.

I did not attend all of the hearings. I did attend some. I did not watch all of the proceedings on TV, but I did watch some. From what I saw and heard, I am satisfied that the process was as fair and as reasonable as we could possibly have in this forum.

I think it was essential for the committee to get to the bottom of a matter of trust. I think that, as has been noted by many, there are clearly no winners in this process. I suspect that many of our constituents feel we are all tarnished because of the whole process and the episode that has led to it.

I too would say that the committee had a very difficult job and thank them for the work that they put into it. They were faced many times with lawyers and none of the committee members are lawyers. This was a process that they tried to allow for as fair and open a process as could be reasonably expected here but I think it is important to remember that there are three branches of government.

There is the judiciary, the government and there is the Legislature. As I remember my readings on parliamentary democracies, all three branches are equal. There is not one that is over and above the other.

I note in particular that Members in this branch of government, the Legislature, are not always required to be lawyers. They are in the judiciary. You cannot be a judge without having been a lawyer. There is a different process.

Members of the Legislative Assembly do not sit in judgment in the judiciary. It is quite clear from my reading and understanding of parliamentary democracies that the legal process is kept out of our walls as well. We do stand and judge our own. We stand alone and judge our own. It is not something that we bring the courts into.

I think in watching the proceedings and reading the transcripts and weighing what I have seen in front of us in terms of recommendations, I have to commend the members of the committee for taking on the difficult job. Again, I believe it was absolutely necessary.

When there is an allegation of bias made against somebody who has a considerable amount of power over me, I think it is important for me to know-- and all Members to know-- whether or not that bias is actually there. So we had to get to the bottom of that allegation of bias.

In the process, I think we have found out a lot of things that I was not aware of. I have to say that I was extremely, extremely shocked to find that a government employee would think of picking up the phone to call the Conflict of Interest Commissioner to ask questions about a case that the Conflict of Interest Commissioner was considering. That is terribly wrong. It is absolutely wrong.

I want to know that the Conflict Commissioner will talk to nobody about my personal affairs or any complaint against me until that complaint has been investigated by the Commissioner. There should be no conversation.

In finding out about the conversation between Mr. Bayly and Ms. Roberts, I have immediately lost confidence in both of them. I think that was a significant mistake. It is one that causes me significant concern and I have no faith in either one of them. Without this process, I might not have known that had taken place but that alone is enough to cause me a very big concern. I might have known that there was a conversation. I guess I should restate that but I had no idea what was the substance of that conversation or whether or not there had been, in fact, any discussion of the case. That is the problem, the fact that there appears to have been some discussion of the case, at least in my mind.

I would disagree with those who say that this was a flawed process. I think that the process was necessary. I would disagree that in a democracy, we need unanimous consent to give a committee legitimacy. In our system here, everything sooner or later comes to a vote. We often have committees that are divided in their opinions and will sometimes have minority reports coming forward to this Legislative Assembly and the Assembly itself has to then choose which course of action to take. So unanimity is certainly not something that is always required in a democracy.

In terms of freedom from intimidation, Mr. Chairman, I read the letter that Mr. Ootes was talking about to mean that government staff or government officials should not be talking to other members of staff and trying to colour their testimony. I read it as a means of making sure that there was in fact free

speech and that people felt that they were free to talk without fear of reprisal to the committee if they were called. So maybe there is a problem with the interpretation here, that in fact I thought that letter was going a long ways to guarantee that there was some freedom of speech and that we are going to have a transparent and open process.

With that, Mr. Chairman, I may have further comments on each of the recommendations as we get to them, but those are my opening general comments.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Dent. Mr. Roland.

MR. ROLAND: Thank you, Mr. Chairman. Mr. Chairman, I was going to refrain from speaking specifically to the report until we possibly got to the recommendations, but with the things that have been said here, I believe they deserve a response, otherwise individuals out there who only get to see a part of this process might only get part of the truth and part of the story.

I feel, Mr. Chairman, that in fact this has been the cause of much of our distress. That is a cause of concern for me.

Mr. Speaker, when we talk about the process we entered into, the Special Committee on Conflict Process went to the heart of government, went to the heart of accountability and transparency. It is not an easy task to look at yourself and judge upon your own. It is difficult in all arenas. It is no easier here when you know that in this floor, things can be said and partial things can be told and we leave the very crux of the issue still hanging.

Let me tell you, some people may have thought that the committee members, I being one of them, took this light-heartedly or did not take it to task that this was a very serious issue. Let me assure you, Mr. Chairman, that in fact -- and I will assure my constituents -- I took this on very seriously, just as I took on my oath when I became a Member of this Legislative Assembly. I did not take that light-heartedly. I did not look at that as just being some words on a piece of paper, that I can get on with my job and run government as I see fit, in or out of the law.

Our job is to show the people of the Territories, those who have put us here, employed, unemployed, sick, healthy, rich and poor, that we are going to represent them all equally no matter their concern. We will be judged on that.

Now, Mr. Chairman, specifically to the issue to some of the concerns that Members have stated so far. One is that we may have sleepwalked into this. I sure hope that was not the fact, that our executives are asleep at the wheel. I have a very serious concern with that in fact we might have sleepwalked into this.

It has been two years that we have had to deal with conflict in this Assembly on more than one occasion. On a yearly basis we are reminded as Members when we have to put our forms in to the Conflict of Interest Commissioner of what we are to do and what is expected of us.

I do not believe the letter that was sent out to Members was a gag order. In fact, it was to make sure the process remained clean and clear from any other possible situations where Members can get themselves into problems by stating and

becoming involved when it was not best to do so, there would be opportunity and Members now have stated they have the free opportunity to speak to the issues.

I share the same concern in the fact of needing a unanimous consent to have such a committee as that struck up. To me, Mr. Speaker, and maybe I have been in government too long, but I look at that as if that is the situation, then one Member could derail accountability and transparency and that is just not acceptable.

Mr. Chairman, we have an opportunity here today to clear the water but in fact, I still see a continuance of muddying the waters. I guess we can so well expect that. There are very critical issues before us: the confidence of Members of this Assembly.

Mr. Chairman, the Premier may have taken this process lightly, but let me assure you that I did not take this process on lightly. I think that I can prove to my constituents that in fact the committee has done its utmost to maintain integrity and the process that was put in front of us.

Since he spoke about his testimony and what was not asked of him when the questions were asked of him, he had the opportunity to state what his dealings were in this matter but he gave only what he gave. I guess you can say we do have the opportunity. We have the last opportunity to deal with this issue. We can introduce, in a sense, almost new evidence that has not been available to this committee. When the arguments took place of the establishment of this committee and its ongoing mandate, some critical pieces of information were not there. That was highlighted in the report. Maybe some offence was taken to that but more offence might be taken by Members knowing that in fact, when they did not have information, decisions were trying to be made with their lack of full knowledge and others had knowledge. Knowledge is power, Mr. Chairman, as we well know.

Mr. Chairman, you have heard the Member, Ms. Lee, talk about not a good day yesterday. Well, in fact, it has been more than a bad day. We have this cloud hanging over us for a number of months. It was very strongly put to us that there has been an apparent abuse of power. While I agree in a sense that unlimited power in the parliamentary privilege is given, yes, that can be stated that there is unlimited power in parliamentary privilege, but that is why, Mr. Chairman, we are held to higher standards. That is why we have to be accountable and transparent to those who have put us in these chairs.

To go further, Mr. Chairman, involvement of senior staff in such a matter as conflict draws serious concern to me as an individual, a Member who does not have the resources to call on other staff to take part in this process. But even more so, Mr. Chairman, the fact that any average person on the street today, what would they think if they felt there was a concern regarding possible conflict of one of the Members and that might be a Minister? Would they be secure and feel secure in laying a complaint knowing that the machinery of government would gear up and they would have to deal with that.

Mr. Chairman, we all took an oath when we came to this arena. I do not believe that any one of us took it lightly. We have a duty to the people of the Northwest Territories to do the business of government and do it in a way that would hold their trust in us.

Unfortunately, there come times when we have to deal with the issues before us that are not so nice to deal with, that in fact that we have to look at each other and examine each other as to what we are going to accomplish or not accomplish.

I did not like the task that I had before me and I had to take part in but I did so knowing of the possible consequences and follow-up that would come. Yes, there are those that will turn the focus around and aim not at the problems that occurred but at those and the process being used to try to clear up that matter. Let us hope from all of this, Mr. Chairman, that we will learn and we will put in place the necessary precautions that will ensure, as my colleague for the Mackenzie Delta stated, that we will not have to go through this again.

With that, Mr. Chairman, I will reserve further comment when we get to the recommendations. Thank you.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Roland. I will go to Mr. McLeod.

MR. MCLEOD: Thank you, Mr. Chairman. Mr. Chairman, like my other colleagues, I did not follow this as close as some may have. I tuned into when it was on television. I did hear it over the radio at times. I am still a little surprised, maybe not so much anymore, at how far this has gone and how big an issue it has gotten to be on something that I assumed was a simple oversight and it could have been settled very quickly. I guess in hindsight, we can say that now. It was something that could have been settled very quickly had the Minister taken ownership of the issue and become more accountable.

When it came to the table for our decision last time and when the allegation of bias was withdrawn and the Conflict of Interest Commissioner's report was tabled, I thought that was the end of it. I was confident that there was no longer a complaint on the table and we should not have to go forward. I was of the opinion that we had already spent too much time, too much money and it has taken away too much of our attention from other issues that I felt were more important.

However, at that time when I made my vote, I was not aware that there was other information out there, other issues that were on the table and had to be dealt with. I was not aware that there were phone calls. I took it for granted when I heard the Premier stand up and say that it was a one-time isolated incident.

So in that case, I am glad that the committee did win the vote. I am glad that they did go ahead and provide us with this report and I took the time yesterday to go through it. There is a lot of information there. I think they did a very good job.

However, I am not saying I agree with everything that the committee has stated. I think that it was a very courageous and honourable thing for the Minister to do today by resigning. I think that is something that demonstrates that she is taking ownership of her actions. However, in the committee's report, there are statements and recommendations that I will make comments to later. I wanted to just touch on them a bit here.

For instance, on the Conflict of Interest Commissioner. I do not see it in the report anywhere that states that this lady was found in a position where she was biased. It kind of hints to that but it does not demonstrate clearly to me, it does not give me the comfort that this woman was found biased in her dealings.

There is still a recommendation that we will be dealing with later. However, it bothers me that the Conflict of Interest Commissioner was evaluated for her dealings and the way she handled this whole inquiry. I do not believe, at least in my opinion, that is what we set the committee up to do.

If there is and was a problem about her performance, then that is something that the Board of Management should be handling or should have handled. I still believe that the Board of Management should be doing a proper job evaluation of this position, of this person.

I have a problem in that area. I also have a problem when it comes down to the recommendation of the Premier's staff. I do not know if I agree totally with the recommendation. I think this is an issue that has to be handled by the Premier himself. It really, I guess in a way, is testing our confidence in the Premier and I think it is going to leave that question out there for many of the people in the North as to the confidence that this House has in our Premier. It is going to be a very difficult process.

I want to be able to recommend that we allow the Premier to be given the opportunity to prove himself and prove that he has the confidence of the people of the North.

I have more comments to make but I will reserve those until we deal with the recommendations. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Delorey): Thank you, Mr. McLeod. Mr. Braden.

MR. BRADEN: Mr. Chairman, one of the realities, the tough realities of life and business and government is that mistakes happen, things go wrong. Some of them are true, horrific disasters, others are just little touch-up jobs. Regardless, mistakes happen. The real test of our commitment and our integrity and the values that we have to ourselves and to our families, to our colleagues, to our communities is how we manage the situation when things go wrong.

It is the skill and the ability and the tools that we bring to bear in fixing or repairing those mistakes. I think that is how we are really judged and how we can measure ourselves.

I was a supporter a few months ago of extending the mandate of this committee to seek out the facts. I was not satisfied that we had enough information about some of the circumstances, what had happened, subsequent to the problem that Mrs. Groenewegen had, namely the difficulty, the really inconsequential difficulty of not cleaning up some paperwork on a corporate registry.

I had hoped that when the mandate of the committee was renewed and extended, that their work would be -- would come out in a plain language, a plain talk, easily accessible process and again, examination of the three central questions that we asked the committee to look at.

Since then, of course, I have learned that was a very naïve expectation on my part. In fact, it turned out to be not at all a plain talk, a plain language and accessible process.

It was naïve of me, I guess, to expect that when jobs and careers and professions and integrity was to be put in the glare and the spotlight of the media, of the Legislative Assembly process, that the committee was compelled to become involved

and enmeshed in the very complex, infinitely complex world of legal wrangling that went on.

In that process, on the occasions that I took to watch what was going on, it caused me discomfort, Mr. Chairman, to see the tone and the calibre of discussion and discourse that was going on in a different part of this building.

I would be ashamed and embarrassed to have the kind of things and the tone that was used in some of those discussions used in this part of the Assembly. As I say, it distressed me that it was going on in another part of this building.

Be that as it may, I want to say to the committee that I believe they did strive with honesty and with energy to fulfil the mandate that was given to them.

I do feel that I am better informed. I will not go so far as to say I am fully informed but I am much better informed and I do feel, on the basis of what has been presented, ready to engage in a discussion of the recommendations. I also congratulate the committee for delivering clear and especially unambiguous recommendations. I think it could have been very easy for the committee to have skirted or gone around the number of the tasks and the questions that were before it, but the committee did not. They are clear recommendations. That is not to say I am in agreement with all of them but I do salute them for delivering, I think, largely a good product in the task that was assigned.

Mr. Chairman, as you said a few moments ago when you were speaking as a member of committee, that time is something that we have to recognize as one of the ingredients in arriving at a way to resolve this. Time is a very good management tool.

It does come down for the Assembly and for the constituents, a matter of rebuilding, re-establishing a trust in the integrity of this institution. There is no magic, instant fix in what has transpired. I will look forward to the discussion and hopefully be able to contribute to it when we do get to our recommendations point by point. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Krutko): Thank you, Mr. Braden. Next on my list I have Mr. Lafferty.

MR. LAFFERTY: Thank you, Mr. Chairman. I would like to start off by saying that I take offence against the Members who say we have abused the power that was given to us because we did not. To condone these kinds of actions and to keep it out of the public is a cover-up. I have to say that I have lost my confidence in not only a few Ministers but more today because of your actions of what they have said today and of Members that support this. We are dealing with something that the public should know.

I was the deciding vote. I said the public has the right to know and that is what we set out to do. However, some Members feel that we abused our powers. I did not look at it like that when I became a member of the committee. I thought I would be the one that would be fair and be the one to be deciding. No one here except the committee knows what went on in our meetings, how we decided on all the issues that are here. They were not all just thrown on there and rubber-stamped. Decisions had to be made, how to word it -- everything that was put down here took a lot of decisions to do it.

It was said that we were making decisions on the go at 1:30 a.m. Of course, because we took the time to do it. We sacrificed our time. I sacrificed a whole summer. I had to make decisions on where I should be because of this committee. For someone to say that I abused my power, I did not think I had power. I was there to look into it and to deal with it as fairly as possible. For any Minister to condone this has lost my confidence.

I think any Member that condones this has to answer to the constituents in the next election. From this day on, I think that we have enough days in the session here that maybe some other Ministers should be asked if they should be Ministers.

I cannot sit back and have somebody say to me that I abused the power. It does not sit right with me. We are here to represent the whole Northwest Territories. We tried to be fair to everyone and we were. Somebody said at the early start of this committee that it was a witch hunt. They can think what they want. Maybe they are used to that. I was not. I was a new Member.

In fact, Mr. Roland said we did everything that we could. We were fair and all that I have to say now is -- and I said it before -- if you put something in the book and close the page, it is a cover-up. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Lafferty. Next on my list I have Mr. Delorey.

MR. DELOREY: Thank you, Mr. Chairman. Mr. Chairman, I as well as other Members feel compelled to speak to this issue because it involves all of us to the very core of our job, I think.

When this committee was first established way back in June, I originally let my name stand to be on the committee, but the spots were pretty well taken and they had alternate Members, which was okay with me. I was willing to serve on that committee if there was a need for people there. However, I felt that it was a good thing to put the committee in place because we needed a process to deal with conflict issues.

I think we need a process that is fair, that removes any doubt from the public out there that wants to know the true information. I did not think at the time that we had a process in place. I am not sure that we still have a process in place that will fairly do that but I think that it is incumbent upon us now for sure to look at a process, how we deal with it and to get a process in place that will be fair.

When the committee was given its expanded mandate, I had some serious concerns at that time as to where we were going on something that started as a very minute thing and, as one Member said, could have possibly been simply an oversight. I felt that there was no need to go ahead and bring out a full-fledged investigation into the issues, but at the same time, it also has been mentioned that we made that decision missing some very critical information.

When I look back on it now and knowing the information that I do now, I think that the committee needed to be in place. It has been mentioned by a few Members around whether it was easy or whether it was not easy. I can tell you, Mr. Chairman, that it has not been easy for me sitting outside the committee. I can imagine what it was like sitting on the committee. To where this has gone and to the areas that we have gone into, I have no regrets that I was not on the committee.

However, I have no doubt that every Member on there felt the same thing. I looked at the Members who were on the committee and I tried to visualize why they were on the committee, what they were going to look at and when they were done, would we have a fair and honest assessment of the information that was presented?

I heard yesterday in the Premier's opening remarks and in Mr. Handley's opening remarks that it is very important for this Assembly to stay the course, to not get sidetracked. Well, in view of everything, Mr. Chairman, if we stay the course, we have to meet this head on because it is smack in the middle of the road in front us and to avoid it, we have to get sidetracked.

I sit here almost embarrassed to speak on this issue. My colleague from Hay River has been drastically damaged by this. I looked across at her making her statement this morning and I know that it was not easy for her. It was not easy for her and it was not easy for me listening to it.

I think that all the issues that surround the fact that Mrs. Groenewegen had to step down as her role as Deputy Premier and now off Cabinet has been influenced by a lot of things that have happened. Who takes the blame for that and what is done about it I think is what is in front of us and has to be dealt with. She has obviously paid the price already and I commend her for stepping down and taking the high road on it. She has obviously weighed the pros and cons of what she had to do. She has admitted to making mistakes, whether those mistakes were warranted of her Cabinet position. Obviously, she weighed that and felt that was her best way out.

However, now that she has stepped down from Cabinet and taken the responsibility and paid the price, do we overlook whatever else was involved in this process?

It is extremely hard, Mr. Chairman, for me to say that the key people, who I think should have been there to advise her to not get into this situation that she got herself into, were the ones who helped her get into it. That weighs very heavily on my mind when I look at this whole issue. We have some very experienced people and I guess that is the part of the information that we did not have at one point when we were making some very serious decisions as to how we were going to deal with issues that are in front of us in this Assembly.

I sincerely hoped that when I was elected as a Member of this Assembly that we would not get into something like this. I think it has been mentioned that the 13th Assembly was tarnished with conflict of interest issues and I had hoped that this Assembly would not do that, would not get into it. Yet here we are and I think that we have to deal with them.

I sat here yesterday and listened to the recommendations the committee made. I guess my initial reaction was that this committee has gone way too far. It has gone too deep. I also had a look at the information that was presented and other information related to it.

I cannot honestly say that had I been on the committee, that I would not have put my signature to any of those things because I do feel that in every case that they had to deal with the evidence that was presented to them and do their best in judging that evidence and putting a report together.

I want to commend the committee on a very extensive report.

Obviously, one part of that report, the issue has been dealt with now. One of the recommendations we probably will not have to do much with because the honourable Member has now lost her Cabinet position over it.

To say we are not going to deal with the other ones is wrong as well. We have to look at all of them now. They are in our face. They are out in the public and I think we have to deal with them.

Mr. Chairman, I will close for now until we get into the recommendations. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Krutko): Thank you, Mr. Delorey. Next on my list I have Mr. Nitah.

MR. NITAH: Thank you, Mr. Chairman. Mr. Chairman, we are dealing with a very serious subject here today. It is unfortunate but it is in front of us and we have to deal with it.

I would like to congratulate the Minister for taking the high road and resigning her portfolio. Like all the other Members, I feel that is a sign that she is taking ownership of mistakes that she has made.

In my mind, the gravest mistake is putting this government in question. In the political climate of the Northwest Territories, where you have our Francophone communities questioning the legitimacy of this government, where we have aboriginal groups negotiating self-government agreements, we do not need distractions of this nature.

We are in the process, a bigger process, I believe, in the Northwest Territories where we are designing, very slowly, a system of governance that is acceptable to all people, trying to respect democracy in the areas of individual rights versus collective rights of aboriginal people.

In my travels with committee work and during personal time, 90 percent of the discussions that I had with individuals, Northerners from all over the North, were dealing with the conflict of interest process, the recordings of conversations over the phone. People had lost confidence in this government.

We started a process that we voted on and we gave the committee a mandate in the return of this report called confidence in the integrity and standard of government. It must have been a very difficult job for the committee and for Mr. Bell as Chair. I congratulate them on the work they have done.

I am of the same mind as Mr. McLeod when it comes to recommendations dealing with staff of a Member, even if it is the Premier. A Member should be given and accorded the right to deal with his or her staff the way he or she feels because of the public nature of this area. The people of the Northwest Territories, through their Members of the Legislative Assembly, will let the Premier know if they have confidence in him, based on his actions from this report.

On conflict of interest, Mr. Chairman, I will quote a good friend of mine, Mr. Doug Cardinal from the Hay River Reserve. He says, "In the Northwest Territories, we have come up with a term -- conflict of interest. We are still trying to define what it is." Maybe we did that to a certain degree through this process but we do have a report and one area of the report, I believe one of the recommendations should be eliminated based on the resignation of Mrs. Groenewegen.

The other areas I will have to speak to when we get to the recommendations.

In the area of the Conflict of Interest Commissioner, it is a very difficult position to be in, I believe, where you are asked to give conflict avoidance advice on one hand. On the other hand, if it gets to an area of complaint, all ties are severed and that Conflict of Interest Commissioner who has given you advice on how to avoid it has to investigate you. I am not sure if that is the right role of a Conflict of Interest Commissioner. Those are some of the questions that we should be asking and answering.

It is not easy for anybody in here but I believe the confidence and integrity of this government was restored a little bit today and only time will heal all wounds, no matter what we do from here. With that, Mr. Chairman, thank you.

CHAIRMAN (Mr. Krutko): Thank you, Mr. Nitah. Next on my list I have Mr. Miltenberger.

MR. MILTENBERGER: Thank you, Mr. Chairman. I have a very few brief comments. I was a Member of the 13th Assembly and we dealt with some fairly major issues; division, significant deficit problems but unfortunately, what was the defining issue that hangs over the 13th Assembly for all time, in my opinion, was the Morin inquiry, the conflict issue.

I have the same sinking feeling that the defining issue of this, the 14th Assembly, halfway through our term, is going to be this issue that is now before this Assembly, that has consumed a significant amount of time, energy and resources and has been over our heads for many months.

I do not intend to hint that we preclude debate. I think we have a report to deal with. I think the people of the Northwest Territories want to see us deal with this in a good way, but deal with it, get it off the table and get back to work. We have two years left.

As the Premier and the Minister of Finance indicated, there is a big agenda out there so I am hoping that we can deal with this, listen to the comments and not get into the situation of wanting to retry or rehear the evidence and deal with process issues or those kinds of things. I think it is time to sort of step up to the plate, look at these and I, as well, commend the Minister for her actions today. Let us bring closure to this. It is time to do that and it is time for us to get back to work and get this off our plate and get on with the other business of the House. I would hope over the next day that we will hopefully do that. Thank you.

CHAIRMAN (Mr. Krutko): Thank you, Mr. Miltenberger. Are there any other Members who have not spoken who would like to speak now? If not, I will go to the other Members who want to speak again. Mr. Ootes.

HON. JAKE OOTES: Thank you, Mr. Chairman. I had some final remarks that I wanted to make. I would just like to refresh everyone. I was speaking about the issue of my freedom of speech and in it I mentioned that my words were couched in may or may have language and again, this is because the letter precluded me from seeking clarification from the Clerk of this Assembly because he became another person I could not talk to about matters raised in the letter.

I have a couple of more points, Mr. Chairman, before I close. The letter that affected me also silenced a Cabinet Minister directly, Mr. Handley, and this had an effect on Cabinet on this issue because, Mr. Chairman, the process also took out Mr. Antoine, who was the backup representative on that committee and Mrs. Groenewegen. That took them out of the Cabinet consultation process as well. In effect, what was left was basically a runt Cabinet and it was greatly diminished in dealing with this important issue.

Mr. Chairman, Cabinet government is central to our democracy and by removing three Members of our seven-Member Cabinet to deal with this issue, the Cabinet became very emasculated.

Mr. Chairman, the vital question that remains for me is where did the authority for the special committee to take on the quasi-judicial power, where did that come from? Certainly I do not see it in the terms of reference and I do not recall debating it in this House so the question remains for me, where did it come from?

Mr. Chairman, I do not know all the answers but I am concerned enough, and I think all of us should be, to ask these questions because that is what our democracy is all about.

Finally, Mr. Chairman, this exercise with dealing with the current conflict issue has come at a considerable cost in both time and public funds. No doubt it can be argued that the issues raised are very important but, Mr. Chairman, in my view, the public interest and other issues, such as the cost to the public purse, are important enough to consider alongside these issues.

I hope my colleagues will consider these thoughts that we need to exam and learn from this conflict exercise and there is no doubt that we need to. We can do so in an open and candid manner and learn lessons from it or we can fail to do so and be doomed to repeat what I have pointed out here that I have not had answers to.

I want to leave this House, Mr. Chairman, on the subject in my opening remarks. I will have questions and comments through when we debate the recommendations but I want to leave this House with some prescient words from the American statesman, Benjamin Franklin, that those who can give up essential liberty to obtain a little temporary safety deserve neither liberty nor safety. Mr. Chairman, let us not fear to speak out for the temporary safety of silence. Thank you.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Ootes. Mr. Kakfwi.

HON. STEPHEN KAKFWI: Thank you, Mr. Chairman. I wanted to make just a few more comments. First of all, Members of the Cabinet met this morning and had decided on certain points to speak freely as Members of the Legislature and others to look at making decisions collectively as a Cabinet, so the recommendations maybe should be dealt with one by one to allow for that.

I wanted to point out a couple of things which I think are in fact factual errors in the report. One of them is that John Bayly and Lynda Sorensen did not refuse to produce the letter. In fact, Mr. Bayly was never asked. That is a serious factual error contained in the letter that may have lead to some of the conclusions that the Members made.

There is also another error in the report that makes the suggestion that in fact no letter of reprimand may exist. I take that to imply -- inadvertently, perhaps -- that I have misled the committee. I think it was clear from the legal advisors that the letter of reprimand exists. Witnesses acknowledged that they had received it. The legal advice was that it is subject to the access of information and privacy legislation and the laws of this Legislature and that the legal counsel for the government advised the committee of that. Further, Ms. Sorensen said she could not provide for that based on her legal advice.

It should be pointed out to Members as well, because it was not clear then that the letter is not just addressed to Ms. Sorensen, it is also addressed to John Bayly. It was one letter of reprimand that was given for both of them so there was no way that Ms. Sorensen, by herself, even if she had agreed to, could have provided that to the committee. The legal counsel suggested to the committee on that day apparently that there were ways available to the committee through a series of questions that would help ascertain what the nature of the reprimand was. The committee did not choose to explore that.

I think that is important to point out. The gag order -- or the letter, as it should be properly addressed -- of June that suggested that this was a quasi-judicial committee and would conduct itself in a fair and impartial way was a very, very powerful letter. Let me tell you that those of us who are on Cabinet and for senior staff, it was a very, very powerful, threatening letter.

There has been virtually no conversation that I have had with the Minister of Finance or the Minister of Resources, Wildlife and Economic Development since then without others present. I have left Mr. Handley's office on two occasions because I did not want the perception made by anyone that I was in there having a private conversation with Mr. Handley. That is the extent to which this had impacted us. I have never had a conversation with Ms. Peterson or with Mr. Hamilton except a few weeks ago.

I refused to subject myself, my staff and Ministers to that so we made it absolutely clear that we will not and could not talk to anybody alone, even to make suggestions of any kind. So all my communication and that of our senior staff was done through a lawyer provided by the Department of Justice. Any interference, any suggestions, even the perception that any of us or our staff made that could be perceived by any member of the committee would possibly be seen as an act of contempt by the committee. That is how serious that letter was. Perhaps it was not clear to the authors of that letter but believe me, that was a very, very powerful letter and it has seriously impacted the conduct of everybody.

There is no doubt, and I raised it in the proceedings, there was an allegation from the onset of that committee against myself, my office and my staff. I asked the committee to address it through letters. The committee never addressed that. I raised it in the course of my evidence. To this day, that committee has not responded.

If they were trying to clear a cloud on the office of the Conflict Commissioner, I wish they had also paid attention to the cloud that was cast by a member of that committee on my office well before the evidence was in.

I wanted to raise that. I think it is important. I was advised I have no way to raise a point of order, a quasi-judicial process

that is parliamentary in nature. I am not quite sure what it is that we have created. As I say, I am prepared to go through this recommendation by recommendation. I think we should do that and I think we should allow Members to make the comments that they should without threatening one another. That is important. Thank you.

CHAIRMAN (Mr. Krutko): Thank you, Mr. Kakwi. I will recognize Mr. Handley, since he has not spoken yet. Mr. Handley.

HON. JOE HANDLEY: Thank you, Mr. Chairman. I was not going to comment on this. I am not going to comment on each of the recommendations because I was a member of the committee. I have, like other members, thought very deeply about all of the issues, considered all of the information very seriously, and my views are reflected in the recommendations.

This has not been an easy time at all for any of us. I do not think any of us took it lightly. We did put in a lot of hours because of the seriousness of what we were dealing with. Particularly as a Cabinet Minister, I have to say that yes, it did disrupt our activity, our relationships, our ability to do our jobs in other fronts.

When we were first here, we all signed an oath. That to me is probably one of the most, if not the most, important thing that we did here. We signed an oath. It is not something we just hang on the wall and forget about for the next four years. I take it very seriously.

When there is an alleged violation of any part of the oath, then that to me is probably the most serious accusation or allegation that we can possibly face.

The one point I want to make, because it was made by another Member, that somehow this is a waste of our time, a waste of our money. I do not agree with that at all because to me, if we do not maintain the integrity of this House, we do not maintain the standards of government, and I am not just talking about the government in the sense of Cabinet but us as a whole government, as an Assembly. If we do not maintain that, then everything else becomes questionable and that is so basic to our role here that we can never think of that, in my view, as being a waste of time. We must deal with that if there are questions that deal with the integrity and the standard of this government because everything else rests on that.

It is not a waste of money. It is not what people elected us to do though and we all wish that we were not in this kind of situation, that we did not have to deal with these kinds of matters. I am sure the public feel that way as well. We should not be spending time doing this. We should be dealing with the programs, with the needs that people have out there, the things that we were elected to deliver on, not this.

I, like Mr. Delorey, feel that when we do run into these things, then we have to face them head on and we have to deal with them very thoroughly. You cannot push them aside and say we are too busy doing some other programs and we just simply cannot take the time to deal with it and deal with it clearly. It is so fundamental to our whole purpose.

Finally, my last comment is I do not know the importance of whether we are quasi-judicial or not, or exactly what the implications of that are, but all I can say is we did as a

committee look at the facts, looked at the facts as thoroughly as we possibly could. All I can say to the other Members who were not part of the committee but have the report is whatever decisions or thoughts you have on the recommendations, look at the facts. Thank you.

CHAIRMAN (Mr. Krutko): Thank you, Mr. Handley. At this time, I will recognize another Member who has not spoken. Mr. Allen.

HON. ROGER ALLEN: Thank you, Mr. Chairman. I too am placed to provide some comment to the process. I hold my colleagues in this House to the highest esteem. I think the committee was indentured to take on a very difficult task. The process is never easy. Sometimes, while watching it very closely on TV, it felt like a court case and I felt sorry for the people who were appearing before the committee, also the lawyers who were representing certain clients.

I think the important thing for myself as a Member here is to understand precisely the nature of the allegations and also the outcomes that arise from a long and deliberate discussion over a period of time.

I would like to commend the committee for taking the time. Although it may have sounded short to many of us, it was long, arduous and also very difficult, I am sure, during the deliberations to come to some conclusions and come with the set of recommendations.

As a Member here, I want to say that I encourage us to debate the four recommendations. Actually, I suppose it is now down to three and I will hopefully lend some further comments to those recommendations. Thank you.

CHAIRMAN (Mr. Krutko): Thank you, Mr. Allen. Ms. Lee.

MS. LEE: Thank you, Mr. Chairman. Mr. Chairman, I just wanted to make a couple more comments just to be clear about what I mean by some of the things I have said.

First of all, Mr. Chairman, I need to state that while I did not agree with the extended and expanded mandate, or the need for that at the time that this Assembly made that decision, I respect the fact that by the majority decisions of this House, that the committee had the mandate to deal with what it was tasked to do.

I do not believe that I am suggesting, in any way -- I believe this work got to the point through incremental steps by a number of parties, including the Minister, it got to the point where it had to be addressed. I agree with that.

Secondly, the point that I really want to state again is the concept of abuse of power, because I do not think we could really debate the recommendations we have before us unless we accept the power of this committee to make those recommendations.

I had to, for comfort to myself in my decision-making process, figure out what it was, this parliamentary privilege that this power came from that this committee was exercising because if you read the excerpts from Beauchesne's and so on, this committee had enormous power. This committee had a lot of power. This committee could call anybody, anywhere, at any time, to say anything they wanted to know. It is a very wide power. This comes from the parliamentary privilege.

Mr. Chairman, I believe that there is no power that is absolute. No one has absolute power except for the power of God. I think that the second thing that might come close to absolute power is that of sovereign power, but even the kings and queens did not have absolute power. They were routinely beheaded for whatever decisions they made.

Their power came from the people. Things have to make sense in the end. It has to be commonsensical. I know that this committee was tasked to take care of that power on behalf of the people and on behalf of me as a legislator. That committee was my committee. So as far as I can see, this parliamentary privilege that this committee got the power from, this power really originates from the people. This is what I was trying to say. Everything has to be connected somehow. We are not a vessel or a floating power in vacuum. We are connected to the people who gave us parliamentary privilege and from that, this committee got enormous power, almost absolute power to look into this question.

So this is why, for the interest of people and the interest of the public, that we examine in discussing the recommendations whether or not the power used was appropriate and whether or not the power used was fair and whether or not the recommendations are connected and it is inherently, internally rational to what they heard and found.

I could also state, Mr. Chairman, that I in fact spent time listening to hours and hours of hearings. I stayed up to one o'clock in the morning to listen to the hearings and I read submissions by lawyers. I have to say there are a lot of situations that were very, very confusing.

I am not implying in any way that the committee has conducted themselves in a way that treated this lightly but I am saying that this is the court of appeal. This Assembly right now is the court of appeal for this committee that we tasked and the Supreme Court of this decision is the people. So in judging the recommendations of the committee, I need to look at all of the facts and circumstances that the committee used to arrive at their decisions and that it is commonsensical.

I should also state, Mr. Chairman, that I agree with some of the recommendations and not others. So I did not want to go to what my position was on any of those recommendations. I am going to make comments on that as the recommendations are dealt with. I do not think that in any way it should be implied that because you are questioning any part of the process or recommendations, that you are condoning any of the activities that a reasonable person knows to be a wrong conduct.

Mr. Chairman, I want to take this opportunity to state that I had a serious problem with this quasi-judicial process. In watching the process, in watching the television, I was very confused at how the process went from legal to non-legal at a moment's notice. At some points, the opinion was sought to the counsel as to the legal position was in this and that. Other times they would say that this is non-quasi and this is a parliamentary committee and we can do whatever power we want.

I accept that this committee had that sort of power but in the end, it has to be answerable to the people. I found that the rules were made along the way, in some cases. Some people had lawyers and some people did not. Some hearings were held in private and some were not. I find it curious that this committee says that the committee's mandate is accountability,

openness and transparency of this government and I think that the same should go to the committee as well.

I also agree that we have to come to some sort of closure on this matter. I agree with a great deal of regrets that we have to talk about this in the way that we do. I am just not comfortable at this point in the way that the recommendations and facts were presented, where some of the facts were mentioned and some others were not. There is some reservation on my part as to whether or not this report will be capable of bringing this matter to closure, that it went further than it had to, I think, in some aspects in finding of fact. I think a lot of recommendations there could have been made day one. I look forward to putting my position on where I stand on all of the recommendations. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Delorey): Thank you, Ms. Lee. Mr. Dent.

MR. DENT: Thank you, Mr. Chairman. Mr. Chairman, I move that we extend sitting hours to conclude Committee Report 6-14(4). Thank you, Mr. Chairman.

CHAIRMAN (Mr. Delorey): We have a motion on the floor to extend sitting hours. The motion is non-debatable. All those in favour? All those opposed? The motion is carried. We will extend sitting hours to conclude this report. Mr. Bell.

MR. BELL: Mr. Chairman, I was prepared to deal with the first motion here, if that is in order.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Bell. Is there anybody else who wishes to speak? Mr. Antoine.

HON. JIM ANTOINE: Mahsi, Mr. Chairman. Mr. Chairman, I have some very brief comments on this report. I want to say that we all know the scenario of events that led up the report and why we are here today, so I will not have to recap. It was done very well here by the Chair, Mr. Bell, yesterday in this conflict report.

I just wanted to say that it is with regret and with sorrow that we have to go through this type of process. We try to deal with each other whenever there is some complaints laid and counter complaints. I do not think that anyone of us are trained in our community or whatever background we have to deal with these sort of things, but we come to this forum here, Mr. Chairman, to represent our people in our communities and we are here to try and make life better with programs and services with the limited budget that we have. That is always in the back of my mind whenever I sit here.

Whenever we have to deal with this, I feel as if we are taking away from our ability to provide the type of leadership that we require at our community levels. We all know the issues that are out there. We hear them by Members' statements and questions in the House. That is what we should get back to. The sooner we get this over with, the better for me.

There are a number of recommendations in this report that are there that are done by members of the committee. I also want to thank the members of the committee who sat on this because it took a lot of time and effort in a crucial time during the summer months and the fall months when you should be out there moose hunting and putting meat on the table for your people.

This is what you have to do. You sacrificed your time to provide this so I would like to thank you for the work that you have put in here. There are different recommendations in here that I would like to speak on as they come up. Mahsi.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Antoine. Any general comments? Mr. Bell.

Committee Motion 20-14(4): Recommendation No. 1 From Committee Report 6-14(4): Confidence in the Integrity and Standard of Government -- The Report of the Special Committee on Conflict Process, Carried

MR. BELL: Thank you, Mr. Chairman.

I MOVE that no further action be taken with respect to Mr. Selleck and the CBC.

CHAIRMAN (Mr. Delorey): There is a motion on the floor. The motion on the floor has been circulated. The motion is in order. To the motion. Mr. Braden.

MR. BRADEN: Thank you, Mr. Chairman. Mr. Chairman, in speaking to this motion, I would like to discuss a couple of the points that are within the body of the recommendation. We have heard a lot. The report itself is driven by the need to establish and maintain the highest standards of integrity, of transparency and professional conduct. There are many other ways of describing, keeping the very best of process.

Where the committee states that it finds the actions of Mr. Selleck and his employer, the CBC, amount to a "...clear and deliberate contempt of the committee's authority and proceedings." Yet it essentially tosses them off as a sideline dispute that does not warrant or merit the attention of the House. I guess I find it ironic, Mr. Chairman, that it was almost the same kind of statement in Mrs. Groenewegen's decision to remove her application of bias.

If I have this correct, Mr. Chairman, if I recall that she sort of lifted the official complaints from requiring it to be action, but she said in the body of her letter that she still felt that there was a bias there. I think the committee, where it was assigned to try and sort this out, it has in fact duplicated something that upset the committee in the first place. Here it points out that there is a clear and deliberate contempt and yet it says it is not worth bothering with.

I guess the point in here for me, Mr. Chairman, is that if we have indeed determined that the actions of a reporter and a national broadcaster are in contempt of the standards of performance and professionalism that we want to maintain in this House, then some kind of action, or at least some kind of venue where the CBC could engage, is warranted.

There is a further reference under 8.7 to something about sanctions by this House. The sentence reads, "The consequences of their own actions, meaning CBC and Mr. Selleck, on their reputations may well be much more far-reaching than any specific sanctions of this House."

I am wondering in here if it is the suggestion that if we really do consider this to be their response to the committee's request to appear, if their refusal is indeed a clear and deliberate contempt, do we want to undertake some steps to indicate our displeasure in more concrete terms than simply saying, "We

dismiss you guys. You are not worthy of our attention." They are, I believe, worthy of attention.

I do not know, Mr. Chairman, unless the committee -- I would be interested in hearing any other comments to see if anybody else supports me in this, but we are not being true to ourselves and our conviction here if we are going to take this kind of finding, especially on the part of a broadcaster as large and with as much reach as the CBC does to our audience, that we should leave this unsolved or unattended to. There is something unfinished about this recommendation.

I will leave it at that, Mr. Chairman, thank you.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Braden. Mr. Ootes.

HON. JAKE OOTES: Thank you, Mr. Chairman. I would also like to comment on this particular area. It likely will be a bit of a repeat of what has been said by other Members. In the report and in the recommendation that deals with CBC and Lee Selleck, and under 8.2, a reference that it is, "...a matter of utmost seriousness." And in 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." If the actions of a reporter and of the CBC are to be taken seriously here, I do not see a sanction in here. I do not see an action that is being taken. I am not here to judge Mr. Selleck. I am not here to suggest that he was wrong or he was right. There are press obligations and press rights and I respect that very much.

What my point is, is that I find it rather ironic that we went to such a great extent to put together a committee to look at the conflict of interest complaint by the Member for Hay River and in a part of her letter, she felt that a personal comment that the bias was there, yet here, ironically -- and we proceeded with that -- yet here, Mr. Chairman, ironically, we do not proceed with any sanction, yet we seem to say that Mr. Selleck and the CBC have dealt with a breach of the well-established constitutional privileges of this Assembly.

So while we are prepared to proceed with one of our own Members, we are not prepared to proceed with a member of the media. I guess I wonder why.

To me, it leaves a gap and I just do not completely understand that logic. Perhaps it can be explained. Perhaps there is a rationale behind it, but I will just say that I find it rather ironic that we went to such an extent for one of our own Members and then we failed to pursue sanctions for someone else.

I want to repeat I am not suggesting guilt on Mr. Selleck or the CBC because I was not part of the committee that looked into this. Thank you.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Ootes. Ms. Lee.

MS. LEE: Thank you, Mr. Chairman. Mr. Chairman, I do not support this recommendation and this motion largely because it is really not in line with the findings of fact of this committee. Mr. Chairman, I think this goes to the abuse of power that I was talking about. Page 27, where it talks about the conduct of Mr. Selleck and the CBC, right up to page 29, there are a lot of statements made that showed the displeasure of the committee about the conduct of this reporter. I do not have an opinion

about the right or wrong about this reporter as stated by previous speakers.

However, for example, looking at paragraph 6.2, it seems obvious to me that there is implied some kind of conduct that this House expects from the media. It has referenced standards and practice of the CBC and it sort of in a blanket states that this was violated some how. He has violated his professional standard. He has damaged his own credibility according to 6.3.

So many words here are so inflammatory and I am very uncomfortable stating all that about someone's work, especially when this person was not able to appear and answer to anything or to explain. Well, he chose not to. There is a statement that the reporter was embarked on a mission of surprise on paragraph 6.2. He refused to acknowledge the compelling nature of the summons, that his testimonial would have been important and instrumental.

This raises one question, which is if his statement was so important and instrumental to this proceeding and he chose not to appear because of whatever reasons, then can we imply that the Commissioner and the Minister have been victims of his improper conduct? If the committee feels so strongly that this person had the crucial information and he chose not to appear and he breached all the standards and he was in contempt of the Assembly and the committee was not able to get the information that it needed, then how was it that he was able to come up with the findings that he has?

I understand that it had to use the information that it was able to gain but if this was that instrumental, does that not leave a question as to what the soundness is of the finding of fact?

Another thing, Mr. Chairman, I find it really ironic that this reporter received a summons and he just simply said, "No way. I am not going to be there." He showed up. He would not swear in. He wanted to know why he had to speak and his lawyer said, "We are going to challenge this." So what did this committee do? Just a slap on the hand and say, "You are bad. You should have come and talked and you did not. We are really mad at you and you are very unprofessional." The committee could just say what other words? This committee is speaking on my behalf and this committee is speaking on behalf of the people out there because remember, that is where they get their power. I think they will have to answer to that.

Another side of this is what I see here is those four people who came and appeared before the committee and said what they needed to say, the Minister, the Commissioner, the civil servants, they came and they spoke and their jobs are on the line. They are going to be fired or have already been.

The reporter says, "I do not know what you are doing and I am not going to appear." Then he gets nothing. So for me, it is as simple as that. I have a concern with this motion in that the text of the findings went so far as to be imputing misconduct on a professional. It questions the integrity of the role and place of journalists in our society. I know that we are not always happy with what is being reported but, my God, I will not see the day when we somehow think that we have the power to judge the conduct of the media because we have this all omnipotent power to judge and then say we are really annoyed with you but we are not going to do anything. That does not make any sense to me whatsoever.

I think that if this committee has the importance and the mandate that it claims to have, then I think that it is irresponsible to say all that it has and to say we are not going to do anything about it because we do not feel like it.

When I first heard about the power of summons, I did not know what that meant because in legal process, if you do not show up when you are summoned, then there is a remedy there. You could be sent to jail or you could be sanctioned by the judge in some other ways or whatever. I do not know what the remedies are available to us but I am sure that the committee would have considered that.

I have grave concerns in many aspects with this motion and I think that it is a very irresponsible motion. Thank you.

CHAIRMAN (Mr. Delorey): Thank you, Ms. Lee. To the motion. Mr. Bell.

MR. BELL: Thank you. I will try to respond to some of the questions on behalf of the committee and I hope that you will forgive me if I do not have some of the intricacies of some of the legal argument down. I will just try to tell you in plain language what our intent was and why we decided what we did.

I think the first point that needs to be made, because Ms. Lee just raised it, is that it should be clear that this committee has no power to sanction Mr. Selleck but the House does. We are free, if we wish, to parade Mr. Selleck out in front of us and discuss a process for sanctioning him. There is nothing stopping us from doing that. That has not been short-circuited. We can still deal with that.

Our committee certainly had concerns with Mr. Selleck and the CBC when they came before us, refused an interview to discuss with our legal counsel the nature of their testimony, but came before us and just waved this flag of journalistic privilege as sort of some blanket protection. They were not interested in the kinds of questions we might ask or where they might be relevant.

They wanted to wave this flag and essentially have us accept that as some sort of privilege that we could not question. Even in court, when the media or journalist have to appear in court, I do not know for sure but I would imagine that they cannot just roll into the court room and say, "Journalistic privilege, we have to leave." I would assume that they have to establish it somehow. The CBC and Mr. Selleck refused to do that in this case.

We thought that it was not worth pursuing after commenting on the actions in the report because it would have dragged this thing on for some time and it would have cost a lot of money. We knew we had to come before this House on October 23rd with our findings. I suppose we could take the CBC to court or we could sanction them here in the House and we could drag this out for a year or so, or maybe longer. I am not sure what that would accomplish but as I have said, this House is certainly free, and Ms. Lee is free to make a motion, if she wishes to do so, that we deal with sanctioning the CBC and Mr. Selleck in some manner. The committee did not think that was prudent, given that we thought we really needed to bring closure to this and this was a peripheral issue, not central to the bias and not central to the conduct of Members and staff. Thank you.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Bell. Mr. Dent.

MR. DENT: Thank you, Mr. Chairman. As we approach the vote on the first recommendation, there is an issue that has come up that I think needs to be addressed. Earlier, I was surprised and disappointed when the Premier said that Cabinet has taken positions on some of the recommendations. I think that really surprised me because again, as I pointed out, there are three pillars in a democracy.

One is government, which in our system is Cabinet, and the other is the Legislature. Then you have the judiciary. What surprises me about that is, because this committee was a proxy for the Board of Management when it was found that the Board of Management could not hear the issue, the Board of Management represents the Members of the Legislative Assembly. It has nothing to do with the government. It represents all 19 Members.

This committee is not supposed to be something that makes recommendations that are divided up in a government-Regular Members sort of division. It is unfortunate that there seems to be a lack of understanding of the usual parliamentary conventions here. I am very surprised that Cabinet is taking some positions.

Having said that, I think we should know if the government is going to be taking positions that we should be advised in advance which of the recommendations the government is taking positions on. I would like to ask the Premier, is the government taking a position on this recommendation and how will they be voting? Maybe he can advise us on all of the recommendations, please.

CHAIRMAN (Mr. Delorey): Mr. Dent, I do not think that this is meant to be a question and answer period as such, so we will stick to speaking to the motion. Mr. Premier.

HON. STEPHEN KAKFWI: Thank you, Mr. Chairman. I should clarify that Cabinet has not made formal Cabinet decisions or positions. I meant to say that we took the liberty to discuss the report and how we might approach it and if any of the recommendations were relevant to our conduct as Ministers. We generally decided that some of the recommendations were not necessary or in our interest to vote as Ministers. The first one is clearly one that is up to us individually as Ministers or MLAs, the one regarding Lee Selleck and the CBC. The second one regarding our colleague was of interest and we did talk about taking a collective view on that, which is not relevant any longer. The third one, regarding the Conflict of Interest Commissioner, that we all agreed was up to us individually as MLAs to comment on, so we will be doing that. The last was agreed reflected on myself as a Premier, so we discussed a collective view on that. Thank you for the chance to clarify that.

CHAIRMAN (Mr. Delorey): Thank you, Premier Kakfwi. I will go to Mr. Steen.

HON. VINCE STEEN: Thank you, Mr. Chairman. I speak to the motion and I am not sanctioned. Mr. Chairman, I have questions very similar to what was expressed by other Members as to where do we go with Mr. Selleck from here. I do also have concerns as to what was expressed in the report and how serious the committee says that Mr. Selleck's testimony was needed, and how it may have helped resolve or provide some information to help the committee arrive at a decision.

Then, to simply sweep him away, if he decides he does not want to come, I suggest, Mr. Chairman, that Mr. Selleck did not do this lightly.

The report suggests and states that he had counsel. I am not sure whether this means that CBC was in fact paying for that counsel, but it does bring into question whether Mr. Selleck was acting on his own or whether he had the support of CBC. So maybe the question is not so much Mr. Selleck as it is CBC. I am sure he was not acting alone. I have to give some credibility to Mr. Selleck and his professionalism. He is not a greenhorn reporter. He has been around for awhile. He has been in this type of situation before.

I have to give a lot of weight to the fact that we are simply going to walk away from this with no explanation from Mr. Selleck or the CBC. We are going to just let the item die. I believe that this is not the forum to follow up on it. I believe, like Mr. Bell suggested, there was opportunity and there is opportunity for other forums to follow up on this. It is not necessary that it be dealt with at this point in time.

On those grounds, I feel that the recommendation is not appropriate. It should not be part of this report. I am not supporting the motion. Thank you.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Steen. Ms. Lee.

MS. LEE: Thank you, Mr. Chairman. Mr. Chairman, I think this is a very serious matter. There are lots of paragraphs like this in regard to what the committee sees of Mr. Selleck's conduct. I do not know if it is fair to suggest that, "Well, I could come up with any kind of sanctions I want, if I want to."

Paragraph 6.9 reads, "The committee has the power to recommend sanctions to the House and these sanctions are very broad." It says, "This action is contemptuous of the committee and of the House itself which duly constituted the committee." But,

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.

Someone should just read this over and if they would like to have this written about them in a Legislature by 19 elected Members and say, "Well, we have said everything we think about it but we are not going to do anything about it, so go away and..." I think that it is shameful for anybody to use the power of privilege we have here to speak and write and opinionate and just strew about your opinions.

What I see here is that you punish with your words just because you can, because we have the power to say whatever we want, we will say it. We have no recourse. This is exactly the kind of abuse of power that I was mentioning and we are answerable to the public on that. The public has to listen to this paragraph and this is just one of the hundreds of paragraphs in

this book that just lash out at everyone who came in the path of this issue. Opinions are thrown about, not only about their conduct but their professional integrity, their understanding about civics and democratic principles.

Paragraph 6.0 says that, "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." Our dignity has been jeopardized. What are we going to do about that?

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.

I did not realize that we had this much power, but apparently we do. This is what I mean by us having to use this power responsibly and not to do it as an abuse of power.

Once again, Mr. Chairman, I think this is very serious and I will make this argument over and over again. There are two other things about this. One is that if he is that important, this committee made very serious recommendations and decisions with a lack of information from its key person. If the committee felt it was a waste of time to suggest any sanctions, it was irresponsible on the part of the committee to make such all-encompassing, scathing, inflammatory, scandalous statements just because the committee had the power to say it. I cannot condone that. This is not a small matter.

Free and independent media, free from intimidation and smearing, is an integral part of a constitutional democracy. As it is already, the Northwest Territories does not have the kind of media, the wide and powerful media that we should have because so much of their business depends on government. I believe that even if they never say anything that I would like to hear, they have to be protected. All media has to. This is just so irresponsible. I cannot say enough about it. I will just end it there. Thank you.

CHAIRMAN (Mr. Delorey): Thank you, Ms. Lee. Mr. Braden.

MR. BRADEN: Mr. Chairman, I have already stated that I feel that this is a matter that should not be left unattended. I would like to propose an amendment to the motion as put forward by Mr. Bell, seeking his approval to it. I believe our process is then that we could debate this.

Just a quick preamble to this, I understand that the CBC, as a national news organization, has an ombudsman and that the purpose of that office is to bring problems with coverage and performance of the CBC to its audience and its clients. I would like to propose the amendment.

I move that the Law Clerk of this Assembly be directed to discuss the issue with the CBC ombudsman and bring back recommendations to committee of the whole.

If that amendment would be in order, I am quite open to suggestions on how it might be tuned up, but essentially what I

am suggesting here, Mr. Chairman, is that we go to the CBC and their ombudsman to find a way through this that can satisfy both parties. Thank you.

CHAIRMAN (Mr. Delorey): Mr. Braden, could you supply a copy of what you are proposing?

MR. BRADEN: Yes, of course, Mr. Chairman.

CHAIRMAN (Mr. Delorey): The committee will recess while we get the motion drafted and copied, and come back at the call of the Chair.

-- Break

CHAIRMAN (Mr. Delorey): I will call committee of the whole back to order. Mr. Braden, could you read your amendment for the record, please? Mr. Braden.

Committee Motion 21-14(4): To Amend Committee Motion 20-14(4), Ruled Out of Order

MR. BRADEN: Thank you, Mr. Chairman. My amendment reads:

I MOVE that the motion be amended to state that the Law Clerk of the Northwest Territories Legislative Assembly be directed to discuss the issue of Mr. Selleck's conduct with the CBC ombudsman and bring back recommendations to committee of the whole.

Thank you, Mr. Chairman.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Braden. This amendment, Mr. Braden, goes beyond or opposite to the motion on the floor. I will rule that the amendment is out of order and we will go to the original motion.

-- Ruled Out of Order

Mr. Braden.

MR. BRADEN: Thank you, Mr. Chairman. Just prior to voting on this, I would like to advise committee that I would vote against this motion. I have a new one I would like to bring in place which will hopefully allow us to reach some conclusion to this one. My comment, Mr. Chairman, is that I am going to vote against the original motion and I would urge the committee to do so as well. Thank you.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Braden. To the motion. Ms. Lee.

MS. LEE: Mr. Chairman, I would just like to request a recorded vote on this motion, please.

CHAIRMAN (Mr. Delorey): A recorded vote has been requested. Are we ready for the question? Mr. Ootes.

HON. JAKE OOTES: Could you clarify -- I was distracted for a moment -- could you clarify where we are at, at the moment, motion-wise?

CHAIRMAN (Mr. Delorey): Thank you, Mr. Ootes. We are now dealing with Committee Motion 20-14(4): "Mr. Chairman, I MOVE that no further formal action be taken with respect to Mr. Selleck and the CBC." To the motion. Question has been called. All those in favour, please stand.

CLERK OF THE HOUSE (Mr. Hamilton): Mr. Bell, Mr. Nitah, Mr. Handley, Mr. Lafferty, Mr. Roland, Mr. Dent, Mr. Miltenberger, Mr. McLeod.

CHAIRMAN (Mr. Delorey): All those opposed, please stand.

CLERK OF THE HOUSE (Mr. Hamilton): Mr. Braden, Mr. Steen, Mr. Antoine, Mr. Kakfwi, Mr. Ootes, Ms. Lee.

CHAIRMAN (Mr. Delorey): All those abstaining, please stand.

CLERK OF THE HOUSE (Mr. Hamilton): Mr. Krutko, Mr. Allen, Mrs. Groenewegen.

CHAIRMAN (Mr. Delorey): Thank you, committee members. The results of the vote: for, eight; against, six; abstainees, three. The motion is carried.

What is the wish of the committee? Mr. Bell.

MR. BELL: Mr. Chairman, we would like to deal with the originally proposed committee motion 3. I believe the second motion is no longer relevant as we acknowledge and recognize the fact that Mrs. Groenewegen has resigned.

Committee Motion 22-14(4): Recommendation No. 3 From Committee Report 6-14(4): Confidence in the Integrity and Standard of Government - The Report of the Special Committee on Conflict Process (Carried)

Mr. Chairman, I move that this committee authorizes and confirms the following:

- (a) That the Legislative Assembly has lost confidence in Carol Roberts as Conflict of Interest Commissioner;
- (b) That the Legislative Assembly requests that Ms. Roberts submit her resignation to the Speaker on or before October 27th, 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; and further
- (d) That the adoption of this motion be deemed to be a resolution of the House.

Thank you, Mr. Chairman.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Bell. There is a motion on the floor as circulated. The motion is in order. To the motion. Ms. Lee.

MS. LEE: Thank you, Mr. Chairman. Mr. Chairman, I would like to indicate that I will not be voting in favour of this motion. The reason that I have is because I believe that the committee states at the beginning of the report some of the conditions that the committee had to meet in order to find existence of a reasonable apprehension of bias. I do not believe the committee found this bias on the basis of the facts that the committee reports in this report.

Mr. Chairman, on page 6, paragraph 3.1, the committee states that in order to find bias, they had to find -- and they are referring to the allegation made by the Minister in which she alleged that based on her knowledge of the facts surrounding the circumstance, she felt that the Commissioner had a prior knowledge of her case and failed to inform her of that, and that the Commissioner knew what the report was talking about and that the Commissioner constituted action of coaching or framing the complaint to assist Mr. Rowe, and that the Commissioner failed to provide advice of conflict avoidance.

Given all these factors that the committee had to find that the Commissioner could not bring an open, fresh and an entirely objective approach to the investigation of the complaint. I have to say, Mr. Chairman, that on the basis of facts, I do not believe that this bias is found. I think what might have been found is that the committee did not like the way the Commissioner conducted herself. In one part of the report, I am sorry I cannot say exactly what page, but the committee found the testimonials of the Commissioner to be passive and not able to articulate herself. I think that was one of the factors that the committee found.

The other thing was how she was so strident and aggressive in her written submission. That is one example of where the committee finds she is problematic because she was too passive when she should have been aggressive, and she was too aggressive when she should have been passive.

I do not believe that the job of the committee was to evaluate her job performance. I agree with the findings that there were a lot of areas where the Commissioner could have been more clear or provided guidance in a way that is maybe even favourable to Members, but I believe that she is an adjudicator and we do not always have a choice of how we want our adjudicator to conduct themselves. If you are a lawyer, for example, you do not always have a choice of the judges you like to go before on your judgment.

I think that to find a bias, it has to mean a very high standard, that somehow, she did not have the capacity to make the decision that has been put to her on the basis of facts that have been put to her. I do not believe that is the case.

If there is a question of incompetence, I think that is not the role of this committee and this Assembly to decide in this forum. The Commissioner was hired by a public process by the Board of Management. I think that question should go to the Assembly to decide.

Mr. Chairman, I am also very troubled by the power of this Assembly to, by its process, basically destroy the career of a person that has been built up over 20 years or so. She was placed in a position where she could not be anything but aggressively defending her professional life. I think that this recommendation goes beyond what was called for.

Somewhere in this report, the committee states that the Commissioner's lawyer made it clear that this is not about evaluation of her performance, but that facts of the case are such that they have to find, that they have to evaluate her performance. I think that is a lead that is not appropriate for the mandate of this committee.

I am sorry I am not able to give you all the pages. There is a lot of information in here that I have been reading but on that

basis, for now, I cannot support this recommendation. It does not mean that I do not agree with some of the facts that the committee has found. I just feel that it is not just about this person in question. It is about the office of the Conflict of Interest Commissioner, an office that has been created by law to oversee the conduct of these Members. I feel very uncomfortable in prosecuting a person and the office on a basis of facts that does not meet the standard of a very high standard that has to be met in a question of bias. I will just stop there and hopefully other Members will comment on where they stand on this, if they wish. If I think of any other points I want to make, I would like to choose to come back to that. Thank you.

CHAIRMAN (Mr. Delorey): Thank you, Ms. Lee. Mr. McLeod.

MR. MCLEOD: Thank you, Mr. Chairman. Mr. Chairman, I want to indicate that I also cannot support this recommendation. I took the time yesterday to review the report presented to us and I cannot find anywhere in there that there is a clear-cut case, that there is a bias. The words reasonable apprehension that the Conflict of Interest Commissioner may be bringing a bias perspective is as close as it comes to. That, however, does not satisfy me that there were grounds for a bias.

I think the committee found in their work that the Commissioner handled this investigation poorly, did not keep proper notes and other things came up which led them to believe that there is no confidence in her work and her work ethics. However, I have the concern that this individual did not realize that she was going through an evaluation process in terms of her work other than the bias complaint. The Board of Management should be the body that we turn to and have a proper job evaluation done, a proper performance evaluation. I think we as a legislative body and the 14th Assembly have to practice due diligence and we have to turn this matter over to ensure that this person is properly evaluated.

The end result may be the same, Mr. Chairman, but I do not agree that this is the proper channel to proceed on and the proper way to handle it. Therefore, I will not be supporting it, Mr. Chairman.

CHAIRMAN (Mr. Delorey): Thank you, Mr. McLeod. Mr. Dent.

MR. DENT: Thank you, Mr. Chairman. Mr. Chairman, I will be supporting this resolution. I would like to outline my reasons for it. I do not believe that Ms. Roberts has demonstrated any malice in the reflection of her job. I am not convinced that there was any demonstration of actual bias that was found but, Mr. Chairman, I think it is worth noting in the terms of reference of the committee under point 2 that after the consideration of the allegation of an apprehension of bias, the committee is also to consider related matters which have arisen or may arise during the normal course of proceedings of the special committee.

Mr. Chairman, until I witnessed some of the proceedings of the committee and became aware of the contents of the taped conversation, I was unaware that the Conflict Commissioner had discussed a Member's conflict case with a member of the government staff. As far as I am concerned, Mr. Chairman, that one incident alone caused me to lose confidence in the ability of the Conflict Commissioner to perform the function of the job as I understand the job to be, or should be performed.

I think that whether there was any bias demonstrated or not, whether there was any malice demonstrated or not, and

whether it was a mistake that was made because of inexperience or for whatever reason, as far as I am concerned it is a mistake that is fatal to my trust in her to be able to perform that position.

If you look at section 92(2) of the act, it says that the Commissioner, on the recommendation of the Legislative Assembly, not the Board of Management but the Legislative Assembly, may for cause or incapacity, suspend or remove from office the Conflict of Interest Commissioner. It is not the responsibility of the Board of Management to reflect on whether or not this person should be hired or fired. In fact, it was not the Board of Management that hired her. It was this Assembly. It was the 19 Members of this Assembly that decided whether or not she would have this position and therefore it is proper that it come before this Assembly for a decision.

Having watched the proceedings, I am afraid that I would, even if the committee had not come forward with this recommendation, be prepared to present such a resolution in the House myself because I have lost confidence in her performance of the job.

Again, I do not think anything was done in malice. I just think that it may have been done with the best of intentions, but as far as I am concerned, a Conflict of Interest Commissioner should never speak to an employee of this government about a conflict case or to anybody else. They should not be speaking to the press about a conflict case.

If somebody makes an allegation about conflict against me, I want to know that the investigation will be concluded before the Conflict Commissioner discusses that allegation. I think we should all know that we are going to have that same privacy respected when allegations are made.

Until there has been an investigation, there should be no discussion about whether or not there has been a breach of conflict. We all know how quickly our reputations could be damaged. I think it is absolutely imperative that we know that our reputations are going to be protected whenever an allegation is made until there is something that has been found to either be wrong or wherever indicated.

I will be supporting this resolution, and not even specifically for the reasons outlined in the report. I think just watching the proceedings and specifically, the conversation between the Conflict Commissioner and Mr. Bayly, has caused me to say that was a fatal error. I will have to support the motion for that reason. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Dent. Mr. Steen.

HON. VINCE STEEN: Thank you, Mr. Chairman. First of all, I would like to make it clear I am not trying to slow the process of this committee down with my question here, but I have a question on the bottom of the motion, where it says, "And further, the adoption of this motion be deemed to be a resolution of the House."

I question, Mr. Chairman, whether that is possible. I am under the understanding that in order to pass a resolution in the House, there has to be formal notice and two days formal notice of a motion in the House, so therefore, I have questions whether or not this may be a contravention of the rules.

I would like to speak to the other aspects of this motion afterwards.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Steen, for that question. I am going to get our legal counsel, Ms. Peterson, to give her views on this matter. Ms. Peterson.

MS. PETERSON: Thank you, Mr. Chairman. It is a good question by the Member and it is one that is not clear on the face. There was considerable discussion with other parliamentary clerks and counsel about that particular wording in order to receive some advice, both from individuals who occupy that position federally and otherwise.

If this motion is passed as worded, you can pass a motion in committee of the whole that is deemed to be a resolution of the House. If the motion fails, obviously it cannot be deemed to be any resolution of the House, but this committee can pass a motion that has that effect.

CHAIRMAN (Mr. Delorey): Thank you, Ms. Peterson. Mr. Steen, do you have any further comments?

HON. VINCE STEEN: Thank you, Mr. Chairman, and I thank the clerk for that clarification. To the contents of the motion itself in relation to loss of confidence in Ms. Roberts as a Conflict of Interest Commissioner, I question, Mr. Chairman, what the results of this motion would mean if it were to pass. Keep in mind that the investigation of Ms. Roberts and her conduct is all related to an inquiry or to an investigation she had done into a Member and her report based on that investigation to this House.

If we accept that report and do not question it, I do not understand how we can question the conduct of Ms. Roberts. If we question the conduct of Ms. Roberts, we then question the contents of that report. It seems to put back into question whether or not there was a proper investigation done on the conflict of interest complaint itself.

It seems to me that if the motion was to go forward and Ms. Roberts was incompetent, which this motion suggests, then she did not do a competent report and therefore, there is a need for another investigation into the Member's conduct as a Minister.

We heard earlier from the Law Clerk that simply by the Member resigning does not stop the process, so it follows that if this was the report and we accepted this, we then accept the fact that there is further need for an investigation into the Member's conduct by whom we would consider a competent Conflict of Interest Commissioner.

I have a problem accepting that. Personally, I have read the contents of the report and the conduct, as it suggests, of the Conflict of Interest Commissioner. I have never had any personal problems with the Conflict of Interest Commissioner and her ability to deal with my personal files.

What I find in the report is not enough for me to suggest that I should lose confidence in her, in particular, if I accept the fact that she is still capable of ruling on an investigation or a complaint, which we seem to have accepted.

Now, as I said, Mr. Chairman, I need some clarification here as to whether or not this suggests that there is further need for more complaint. Obviously the original complaint would still be

there if in fact we suggest that she was not competent to deal with this complaint. All of the facts that are related to why we are investigating her in the first place relates to her conduct on that particular complaint.

It seems to me that Mr. Rowe's complaint would still be there and would still need to be addressed. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Steen. Mr. Steen, maybe to clarify, were you looking for some clarification from the Law Clerk at this time? Mr. Steen.

HON. VINCE STEEN: Mr. Chairman, I guess I am looking for some clarification from the committee in whether or not they took this particular situation into consideration.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Steen. Mr. Bell, did you want to respond to that? Mr. Bell.

MR. BELL: I am not sure that I have the entire detail of the question Mr. Steen is asking, but I think it goes something like this: I think he is saying, is it possible to have a report which you may not in fact be questioning and still find that you have lost confidence in the person who wrote the report? I think this speaks to the issue of the reasonable apprehension of bias. I think the committee has said from the outset conceivably, certainly, where you could see someone in their investigation leading up to a report had done things like talk to the media, or some of these other kinds of things which would cause you to lose confidence or cause you to have a reasonable apprehension of bias.

The actual results of the report, one way or another, would not confirm nor deny whether or not that had taken place. If that is Mr. Steen's question as to how we can accept the report and still have concerns about someone's competence or whether there was a reasonable apprehension of bias leading up to that report, I think yes, you can. I think it is important to remember that the application of reasonable apprehension of bias was made before the report was ever seen by anybody.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Bell. Mr. Steen, did you want to comment further?

HON. VINCE STEEN: Mr. Chairman, thank you. I do not understand how, Mr. Chairman, we could ignore the report and the contents of the report and at the same time suggest we are dealing with an issue of bias. The two are tied together. This whole report suggests that even though the Commissioner may not have been biased, she was incompetent and not operating in a professional manner. That suggests that the report is not a competent report.

I still come to the conclusion that I cannot support this motion that we are going to ask Carol Roberts to resign as a Conflict of Interest Commissioner and at the same time accept the report that she supplied to the House. It seems to me you cannot do that. It is not practical. It is not reasonable.

Also, this report suggests that whatever we do, whether she is biased or not, is based not so much on what the committee considers as bias but what a reasonable person would consider as bias. I do not know what that says to the committee, but it seems to me a reasonable person would see

that you cannot disconnect the two. That is why I cannot support this motion.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Steen. Mr. Bell.

MR. BELL: Well, I guess I do not want to go through this again and go through all of the points that led up to us feeling that the House, or certainly the committee, had lost confidence in the relationship between Members and the Conflict Commissioner.

I can just say that when we looked at the reasonable apprehension of bias and what gave rise to this, Mr. Steen is right; we are talking about, when we are judging this standard, what an objective outside observer would feel looking from the outside in on the process. You have to ask yourself, would an objective person looking at this feel any concern that Mrs. Groenewegen might not get a fair shake? I think that is the question we are trying to ask ourselves.

When we looked at the Miltenberger report and saw that she had not been advised of the sections she was being complained under and therefore had no chance to respond to those sections, and when we see that the suggestion was made that there might be sanctions made against Mrs. Groenewegen by the House when in fact, really, there was found to be nothing in the report to sanction -- it was dismissed. Then we talk about the fact that we discover Ms. Roberts had knowledge from a discussion with Mr. Selleck for a couple of weeks before Mrs. Groenewegen ever had knowledge that there was an investigation and did not inform her, those are the kinds of things that concerned us and gave rise to this reasonable apprehension of bias.

We asked ourselves, if we are outside observers looking at this, do we have concerns that Mrs. Groenewegen may or may not get a fair shake? If we do, then there is a reasonable apprehension of bias and Ms. Roberts should have stepped aside and allowed another investigator to come in.

These things all happened before she tabled her report, the Rowe report, as it is now called. So the contents of the Rowe report are not irrelevant but they are not what the reasonable apprehension of bias turns on.

I do not know what more to say to Mr. Steen. I hope that I have answered his question as best I can but for further detail, it is laid out in the report and if he still objects, that is his prerogative. Thank you.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Bell. I had not called on you to more or less open up a discussion on this, but that I had your name down for further comments on the motion. Did you want to speak further on the motion, Mr. Bell?

MR. BELL: Just very quickly, a couple of other speakers have said that this test of bias is a high standard and it is something that we have to be very careful about. I think the committee was very careful to not be trying to judge whether in fact there was actual bias and simply what I stated earlier, the reasonable apprehension of bias. I could be wrong, but I believe Ms. Lee discussed whether or not -- and she did not have the specific page and I do not either -- whether we were happy that in fact Ms. Roberts had been passive when we might suggest she should have been aggressive at the hearing or in presenting evidence.

If that is what Ms. Lee thought that we had said that, I know that is not at all what we had said. We thought she was too passive with Members in providing conflict avoidance advice generally and also in engaging Members and meeting with Members in order to structure their affairs properly. That is where we had the concerns about passivity. It was not at all with her presenting evidence in front of the committee at the hearings. If that was the impression we left, I apologize because that is certainly not what we were suggesting. Thank you.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Bell. I will go to Mr. Krutko.

MR. KRUTKO: Thank you, Mr. Chairman. On this one, I am not too sure where I stand. Personally, I think we have to take into mind that the person we are speaking about here was put in place by the Members in the House, knowing that there is no actual training or course you can take to become a Conflict of Interest Commissioner. On the one hand, you are trying to be a lawyer. On the other hand, you are trying to give someone advice on what is right or wrong and somehow keep your head above water, knowing that you will be zeroed in on by the press, that they will want to talk to you every once in a while.

From what I see happening here, for the next Commissioner coming down the pipe, we are going to have to give them a whole list of what not to do and put it in the terms of reference to tie their hands from doing their job.

From what I see here, there does not seem to be an opportunity for due process for an individual or individuals who do not have opportunity to see exactly what their legal obligations are. From the way this is drafted, if you do not give us this, we move to plan b and if you don't give us that, we go to plan c. Three strikes, you are out.

I think there has to be a serious look at what her legal arrangement is with this government in regard to a contractual arrangement and what due process are we following in the context of what the responsibility of this committee was when they went to these public hearings. Was it to look at the Conflict Commissioner's duties and what she did or did not do?

I feel that, as a Member, in your statement, you state that the relationship between the Members and the Conflict of Interest Commissioner has, in our view, broken down. I was not made known of that. I was not approached and asked what I thought of the Conflict of Interest Commissioner and where I stand on it.

I think she is a person in circumstances that happen to be just caught in the middle of this -- I was going to mention Watergate again. I think I realize that the circumstances in which she found herself, being at the end of allegations of who she spoke to, when she spoke to and exactly what she said, if we are going to allow people who represent us in that capacity as Commissioners or the Conflict of Interest Commissioner, we do have to allow them some flexibility to do their jobs. If we are going to start muzzling people from talking to the press and having the flexibility of talking with Members on where things are going, I feel that in my case, it was the Board of Management that did not even give me the opportunity to respond against allegations made against myself. It was done by the Board of Management and they could go talk to the press before they came and talked to me. Now you are saying the same thing about a Conflict of Interest Commissioner, so I

am finding it kind of hard to sit here and say exactly where do you stand on this one?

I for one feel that due process has not been followed here. You do have to allow time, basically putting a time deadline in place and if that does not happen, you basically go to the final option, which is the Commissioner of the Northwest Territories. On this one, I cannot support it on the basis that it does not feel right and there has to be due process. I do not think that is taking place here. As a Member, I feel we should have been given that opportunity to make that choice on where we stand with regard to the Conflict of Interest Commissioner and the circumstances she finds herself in.

Everyone knew when she was hired that she was not located in the Northwest Territories, that the relationship was not on a day-to-day basis and the communication with her was usually over the phone. I feel that knowing these restrictions were in place and the circumstances were probably a lot different than having a Conflict of Interest Commissioner who was accessible to the Legislative Assembly over someone who lived in Vancouver was a problem. Yet knowing that, that was one of the conditions she was hired under. With the job that she has been trying to do from a distance, it is a factor.

I for one feel that due process has to be taking place here and I do not see it.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Krutko. Mr. Roland.

MR. ROLAND: Thank you, Mr. Chairman. Just on the issue of this, and this was something I as a member of this committee had to look at very hard to try to make sure we were clear on what we were looking at. I reflected on the report itself, page 11, paragraph 3.13, was where the issue starts out in my mind, as I see it.

I will read that paragraph and going on:

- 1.4 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.
- 1.5 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.

Mr. Chairman, in this specific situation, for myself as a Member, I would have a hard time dealing with that. Whether it was

inadvertent or not, if I have signed off my disclosure forms a day prior to being made aware that there is a contradiction of that, I would hope that the Conflict of Interest Commissioner of the day would have the courtesy to call me. There was no conflict at that point and part of the job of conflict resolution is to make note that this situation existed and I needed to correct it.

It is further pointed out in the transcripts of the taped conversation that in fact she was aware prior to this occurring. She was made aware before an actual complaint was laid. The part that really concerned me was the fact that the day before she received, fresh off the press so to speak, a signed document from a Minister of this government saying that she was clear on the issue and then a day later is interviewed by the CBC and, with evidence given, was made aware that there was a potential contravention here.

It was contrary to, immaterial to however she got it, how it was given to her, that the Minister's annual disclosure statement was not a correct one. Inadvertent or not, if I am a Member of this government and whatever day it will be, if something comes forward and someone lays -- or another media person does another interview to find something out there and I have just finished signing off a document saying no, in fact, to the best of my knowledge I do not occupy these positions or I have not contravened these acts, and here are all the things I signed on the dotted line, that I would be given that opportunity to at least correct.

The question is, either reconfirm what I said, call me up to say, "I am confirming this fact." That was not done in this situation. Unfortunately, there were a number of things that fell out of this and then started this nasty process. To me, this one specific thing, and with this motion, I stand by it as a committee member because I know as a Member of this Legislative Assembly, I have some serious issues with this particular aspect of what had occurred or not occurred, along with some of the other issues that are out there that some people say we should not pay attention to.

The fact is, after finding all of this out in a public hearing and testimony, it is hard not to be able to come back to the Assembly. It is this body that will make the final decision and I will stand by that decision. As part of this committee, I have to stand by my motion as to some of the incidents and this one being a very serious one.

It is not like there is a week or two, or a month that has taken place here. It is one day prior and that is according to testimony. That is why, in my case, I would support this motion and move forward with it. We must expect the best out of the people who are there in a job that they are going to be fair to the residents of the Territory if it is the residents that lay a complaint against us, but one whose role also is to ensure that Members are following the guidelines before us. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Roland. Ms. Lee.

MS. LEE: Thank you, Mr. Chairman. Mr. Chairman, I have been able to find some of the sections I was referring to which I think are important because every one of these recommendations are very important. It affects careers and lives of personalities that have, by inadvertence, become part of this process.

Mr. Chairman, on page 10, paragraph 3.4, in the latter half of that paragraph, the committee states that:

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.

It states in paragraph 3.5, at the end of that paragraph that, "The committee must bring an objective and detached analysis." I think that is the right standard in determining whether or not this Commissioner conducted herself in a way that raises a question of bias on her part to make a decision about a complaint.

I also believe that this cannot be about job performance of her because it is not fair. I do not think it is fair for us to place any person or person's career in this forum and because she missed doing this or that or whatever, she should be sort of thrown out by a legislative mandate. I just feel that is too heavy-handed. That is not being respectful to the office of the Conflict Commissioner.

Mr. Chairman, I just want to say that while the committee stated their standard under what circumstances they would find a bias, in their reporting about the conduct of the Conflict of Interest Commissioner on page 30, paragraphs 6.15, it states, "The committee was both distressed and discouraged." In the fourth line, it says:

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.

I have two questions about this. One is, has anyone told her that she was not supposed to engage in a pattern of passivity and reluctance, that she had to be energetically engaged? I do not know what that means. If I showed up in a job, three months into doing my job, somebody is saying, "I do not like the way you are conducting yourself, your style or whatever."

The next paragraph says that, "She has failed to meet all Members." Well, I will acknowledge that she did not meet with me, but does that raise a question of bias? She failed to meet with everybody. I mean, listen to this argument. You have to say did she do something that clouded her judgment, that she had a prior judgment about whatever complaint the Member has. In my view, this is about our judgment about her way of doing things and I know that in our workplaces, we have a lot of personalities that we do not agree with. Some people are more gregarious, some people are morning people and some people are night people.

Paragraph 6.16 says, "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 probably controversy."

I mean, these are a matter of judgment. I do not believe that says that she was incapable of making a decision because she had prior knowledge.

On page 31, 6.19, it says, "With respect to these proceedings, she approved written submissions placed before this committee which used strident and aggressive language." I do not know if this is criminal conduct or if this is conduct that goes to her having a bias. I believe that if you have been a professional for 20 years and you have a whole Legislature of a government that is challenging your integrity, I do not know how else you could be other than to be strident and to be aggressive in your defence.

My final point is that in reaching the recommendation on page 40, what I see is erosion of confidence in this Commissioner and I acknowledge that may be the case but I think that the mandate that this committee received from this Legislature was to look at the question of whether or not she was biased. This was not a job performance. All of this came about within three months of her new job and I just do not know how we can reasonably say -- we are not perfect. We are all people who make mistakes. We could be in an office in three months and be expected to know everything?

Finally, I think there might be an argument that can be made that says, having gone through all of this process, everybody has been stained, everybody has been sort of muddied. We just cannot go on unless we get rid of everybody.

That is really unfair to that person because she had to defend herself. She became a part of this process and this committee. This report seems to say things are so messy and it is all -- I do not know. We have to deal with it and we do not know really how to other than to sanction everyone who has been involved. I do not think that is the approach that I want to accept under the circumstances because I have to give respect to the office of a statutory officer. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Delorey): Thank you, Ms. Lee. Mrs. Groenewegen.

HON. JANE GROENEWEGEN: Thank you, Mr. Chairman. I was going to attempt to refrain from speaking to this recommendation but I am afraid, sitting here listening to my colleagues, I cannot sit here in silence. I would suggest that I probably will not change anybody's mind on this particular subject, but I need to take this opportunity to put this on the public record because this conversation is bordering on contradictory at the least, and probably absurd at the most.

Anyway, some of the things that are being raised here on the issue of fairness are very interesting points. The Conflict Commissioner, according to the testimony we heard, is the definitive authority on conflict of interest in the Northwest Territories. There is no one else to whom to appeal, given her authority to make decisions and judgments with respect to Members.

I think that all Members should be concerned about fair and due process, if they have an allegation made against them, have a complaint made against them, and that is a fundamental right that we have as Members. There is a concept that you cannot fight an allegation and that is very true. An allegation is that. Once an allegation of conflict of interest is laid, the damage is practically done.

There is an obligation, for all Members' sake, you know -- forget about my situation -- that there be a level of fairness and understanding on the part of the person who is going to sit in judgment of you. So I think that when we talk about fairness, we need to not only think about the fairness to the Commissioner, but to the fairness of the people she is going to judge.

It is fine to say, "Well, you know, she was new at the job and you know, she did not necessarily know. We all make mistakes. We are not perfect." Those are nice platitudes but unfortunately, yes, people's careers and reputations are at stake. If such things as the Member states are not an issue -- for example, whether the Conflict of Interest Commissioner took notes or not. Could I suggest to you that that is a very fundamental and important step to take...

-- Interjection

HON. JANE GROENEWEGEN: I am just talking to everybody here. I mean, there is no need to be defensive. Taking notes is a very fundamental principle. For example, when I sought approval from the Conflict Commissioner with respect to a certain issue and received that approval, there was no record of it. When I asked questions of her in a meeting with respect to specific concerns I had, there was no record of any notes of that meeting. Well, I do not know how I could be protected then if a person went back to her and said was I protected to have received your advice and taken action on a specific thing if there is no record of it. So taking notes is a very important part of the process. These are not small things.

When anybody is going to have a complaint of any kind laid against them, whether it is in their professional capacity or anything, there are certain rules of conduct that apply. Professionals of any kind would be aware of that. Lawyers would be aware of that, that if you are going to be judged by somebody, it would be fair to say that they would enter into that and embark on that process with an open mind and would adhere to certain standards of conduct. One of those basic standards of conduct would not be, as the Member has already mentioned, to discuss that allegation or the details of it with other people, with the media. These are the kinds of things that would seriously make you wonder if you were going to be able to receive a fair hearing and that is all that anybody is entitled to, is fair process.

I have to say that when I read the report, although it maybe was not intended to be an examination of the performance of the Conflict of Interest Commissioner, a lot of things just by the by came to light in the conveying of her evidence that I think the committee has picked up on. In fact, I am rather happy. I do not think there is a single concern that was raised by myself or my counsel that was not upheld in the committee's report.

I do not think we can just brush over this lightly and say, "Well, that person was just new at the job." I think that this Legislative Assembly owes it to us as Members to ensure that there are people in those very serious statutory officer positions who are up to a certain level of -- yes, maybe you cannot go to school and get a degree in how to be a Conflict of Interest Commissioner but it is a simplistic approach to say that this does not affect me so therefore I am not interested.

I think that it is the least respect we could show each other to be interested in fairness, if not just for ourselves, for someone

else who might be going through this process. We do not know when any of you might have an allegation made against you and you would be very happy to know there is a very high standard of a process in place to deal with that issue. I just had to say that.

The advice that you receive from the Conflict Commissioner is your protection. If you cannot get that advice, if the Commissioner does not record that advice, if there are no notes taken, there is no record of it, you do not have any protection. That unfortunately was the case in quite a number of the conversations and information I had sought from her. I think that the committee is doing a service to this Legislature to ensure that we have the highest standard of competency available to us in the form of a Conflict of Interest Commissioner, a statutory officer of this House. Thank you.

CHAIRMAN (Mr. Delorey): Thank you, Mrs. Groenewegen. The chair will go to Mr. Ootes.

HON. JAKE OOTES: Thank you, Mr. Chairman. I would like to just address a couple of issues in the recommendation. It states that the Legislative Assembly has lost confidence in Carol Roberts as the Conflict of Interest Commissioner. I personally cannot say that, Mr. Chairman. There may be areas that other Members have had experiences with and they will comment on that, and have commented on that.

What I was not aware of was we were looking at, in this whole process, the overall competency of the Conflict Commissioner. On pages 30 and 31, there are approximately seven items discussed. I cannot agree with all of these items, Mr. Chairman. It states she has failed to systematically meet with Members since her appointment to review and advise on their affairs. I cannot state that that is correct for me. Therefore, I have to interpret that this is an incorrect statement. That certainly was not the case for me.

She kept no notes of important meetings with Members or other circumstances. I do not know that. I cannot tell you that. I have consulted the Conflict Commissioner and I have been satisfied with what she has provided me.

In terms of engagement, the high standard of engagement with Members, she has engaged me, so I cannot again say I agree with. I feel the question of, is it broken to the degree that it cannot be reasonably rehabilitated? In my case, I do not have to rehabilitate. I do not find that I have a situation, with my respect, that needs to be rehabilitated.

So, Mr. Chairman, to summarize on this one, I am sorry but I cannot support this particular motion. Thank you.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Ootes. Mr. Dent.

MR. DENT: Thank you, Mr. Chairman. Mr. Chairman, I keep hearing from various Members that performance is not the issue, that there has not been bias found on the part of the Conflict Commissioner, therefore we should dismiss this recommendation. Where in the establishment of the motion did it say that they had to find bias before they could make this kind of recommendation? All that they had to find was something related during the process that caused them to tell us that they had lost confidence in the actions of the Commissioner.

Like Mr. Ootes, I have had no personal problems with Ms. Roberts. She has met with me. I have been satisfied with the advice I have received. However, the moment I found out that she had discussed a case -- and there is supposed to be a confidence here, just like solicitor-client privilege, between the Commissioner and the Members of this House -- she had discussed a case with Mr. Bayly, not being aware that the Minister had asked him to do that, not being aware that there was anyone else around but thinking that she was only talking to Mr. Bayly and this was supposed to be a call that was made cold to her by someone who is not connected to this case in any way. That is wrong. That causes me, that one event there causes me to lose enough confidence in her ability to perform the job that I have to support this motion.

It has nothing to do with what the committee found out. It has to do with what I heard and saw during the process. There is nothing that says that we, as a body, cannot at any time choose to revoke the appointment. There is no one, not one person in this room who can go to any of our statutory officers and say, "By the way, we do not think you are doing a good job." Not one of us has a right to do that. It can only be done collectively. All 19 Members. No, it is not something that is referred to the Board of Management. You cannot give up your responsibility. It rests solely and entirely with this body.

I think it is incumbent upon us to reflect on that and that we do follow through on our responsibility. There is no way around this. It is our responsibility. There is nothing in the establishment of this committee that means we cannot consider this motion. We can consider this motion whether the committee makes it or not. It is always in order for us to consider. I think that, Mr. Chairman, let's get on with it. Let's consider it. Let's have the vote.

SOME HON. MEMBERS: Question.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Dent. Mr. Kakfwi.

HON. STEPHEN KAKFWI: Thank you, Mr. Chairman. I wanted to just make a few comments as well. My comments are going to be brief but I think still important to make. First of all, I think the committee acknowledged that this process was not about the performance, it was not a performance appraisal of the Commissioner. I think if you want to be fair about it, some notice should have been given, as with any other employee, that this was going to be the case. I believe that it is not fair that, in the course of carrying out our work, we should draw conclusions without some notice being given.

I do not dispute the seriousness that Mr. Dent and others place on this. I think it is clear that there was probable grounds for a fair apprehension of bias. That is fine. Judges are found to be in that predicament as well. They are not thrown out of their job as a result of it. We have difficulties with the performance of this individual. I ask myself, how would I feel about this, supporting this recommendation five years from now? Ten years from now?

You know, maybe I would be in my rocking chair on a bench by the Mackenzie River thinking about those things. I do not think I could live with myself if I support this. It is going to severely damage an individual. For what? Is it that serious in my mind? I would have to say no. Even if it is serious, there has been no warning, no advance notice. In my view, we should issue a warning that some of the things we find are distressing and that

we will not accept that, it is not to be condoned. It should be a warning, in my view.

There has to be some attempt made, I believe, Mr. Dent, to try and make good of something out of something like this. That is really my view. I do not want to pass judgment and severely damage somebody through a process that was not intended to do that. It is not fair and I do not think it warrants the damage that is contemplated here. I will not be supporting that. Thank you.

CHAIRMAN (Mr. Krutko): Mr. Delorey.

MR. DELOREY: Thank you, Mr. Chairman. Just a few comments on this issue, on this motion. I have been looking at the issues. Again, I would like to state how unfortunate it is that we have to be sitting here and giving our comments or passing judgment or whatever you want to call it on individuals we work with or that are part of this Assembly, but it has been quite obvious through this whole report that the key players in this have had a part in whatever damage has been done to reputations, to people's careers. For me, I find it very hard to be able to blame and punish one and then overlook the actions of another that may have directly impacted what is coming down and the ones who do have to be corrected.

I have a pretty simple life so my involvement with the Conflict of Interest Commissioner, I have to say, was very brief and I found no reason to have a problem with her, but I, like a few other Members -- I guess when this committee was put, some of the information that was brought to light have given concerns in different areas. When it comes to the Conflict of Interest Commissioner, it has brought concerns about her ability to do her job.

Is it fair to say we are going to overlook that because she was inexperienced or she did not have the capacity to do it? I have to weigh it in the context of everything else, that everybody involved is implicated and had a role to play in what this committee was looking at.

I guess I could have stayed in the chair and not said anything but I think it is imperative that we all give our feelings on this and we have to stand up and say that when something is done wrong or if you are not doing your job properly, you are going to be called to task on it, I guess, and this is a very serious job.

You have to be able to be of the utmost confidence that whatever your dealings are with her are going to be confidential. I, as well as some other Members, have lost some confidence in the fact that the Conflict of Interest Commissioner has that.

As hard as it is to decide on all these issues, we do have to face them and deal with them and so I have been thinking about this for a while and I will be supporting this motion. Thank you. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Krutko): To the motion. Mr. Bell.

MR. BELL: Sorry, before we get to the vote, Mr. Chairman, I just thought it was important to again reiterate because there have been a lot of questions about this, as to whether in fact we were looking to find actual bias. I think it is a point that bears repeating. We were simply looking to determine whether or not an objective, outside person looking in would have had concerns about the Minister getting a fair process. I think that is

the test that we were looking to prove. I am confident that we did find that a person would have had reservations and concerns. I think that really is enough for us to say that we as Members do not have confidence in going forward with a relationship with this specific Conflict of Interest Commissioner. I acknowledge it was very difficult. I acknowledge she was early into her mandate but I think this is such a critical point, Mr. Chairman, that it should not be overlooked. Thank you.

CHAIRMAN (Mr. Krutko): Thank you, Mr. Bell. To the motion. Do I hear question? The Member is requesting a recorded vote. All those in favour, please stand.

CLERK OF THE HOUSE (Mr. Hamilton): Mr. Bell, Mr. Braden, Mrs. Groenewegen, Mr. Handley, Mr. Allen, Mr. Delorey, Mr. Lafferty, Mr. Roland, Mr. Dent, Mr. Miltenberger.

CHAIRMAN (Mr. Krutko): All those against?

CLERK OF THE HOUSE (Mr. Hamilton): Mr. McLeod, Mr. Nitah, Mr. Steen, Mr. Antoine, Mr. Kakwi, Mr. Ootes, Ms. Lee.

CHAIRMAN (Mr. Krutko): Abstentions? No abstentions. 10 for, 7 against, the motion is carried. Motion 4, Mr. Bell.

Committee Motion 23-14(4): Recommendation No. 4 From Committee Report 6-14(4): Confidence in the Integrity and Standard of Government -- The Report of the Special Committee on Conflict Process, Carried

MR. BELL: Thank you, Mr. Chairman. Mr. Chairman,

I MOVE 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. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Krutko): To the motion. Mr. Braden.

MR. BRADEN: Thank you, Mr. Chairman. I want to speak in favour of the motion but I want to add a couple of qualifications to my approval. The report indicates that immediate steps should be taken to restore confidence in the office of the Premier, but it does not specify or suggest what steps those might be, outside of the removal, as suggested in 8.22, of two of the key staff members in the Premier's office, Mr. Bayly and Ms. Sorensen.

I would suggest, Mr. Chairman, that -- and this suggestion, again for clarification, it is not part of the motion but it is part of the body of the report, that the suggestion to remove these staff is outside of the jurisdiction of the committee or the Assembly.

I think, Mr. Chairman, that this committee was correct in addressing recommendations one, two and three the way it has. You know, to item number one and the conduct of media, this Assembly, this building is our domain and we have and should exercise jurisdiction in the conduct of members of the public and the media in our domain, so we were correct there.

To the second recommendation, the Minister has, I believe, correctly -- and I commend her for that -- removed herself.

Item number three, we dealt with the conduct of an officer of this Assembly who is indeed within our jurisdiction and our responsibility to do so.

I would repeat that for us to go into the offices of the Executive and dictate what should happen with their staff is not within the jurisdiction of our committee.

Mr. Chairman, when we elected the Premier, indeed all of the other Members of Cabinet, we gave them with that their own jurisdiction and responsibility. The authority to hire and manage whomever they felt was up to the job that they require. Their performance then will ultimately be judged as the performance of their supervisor or their employer, in this case, the Premier.

If the Premier chooses to keep or let go any of his people, then I believe that we should not judge them. We should be judging the Premier on the consequences of that. I do not believe that by reaching into his domain with this, and I believe this would be really, a very punitive act, that we would be taking a step that would restore confidence in the office of the Premier. In fact, I think quite the reverse. It would be a consequence.

We have our own legislative arena here and we may feel that this is the right action to take. In an issue like this, Mr. Chairman, I think we should be looking beyond, as I say, our own legislative arena. We should be looking out into the field, in our communities, in the businesses, and I feel that if we took this step that the stability and integrity of not just the Premier's office but I think of our whole institution would be diminished. That is a word that was used in the report in a previous area. I believe it would shake the confidence of investors in the Northwest Territories, of communities and of our partners in other levels of government, federal and aboriginal.

Mr. Chairman, no one is indispensable, but I really fail to see how confidence would be achieved in this very dramatic act. If immediate action is something that we would want to see, and here is where recommendation 4 does get my support, I would reflect that in some respects that immediate action has already been taken. A Minister has been removed. An officer of the Assembly has been removed. We will be taking steps now to replace those people. In that action we will be making changes and they are immediate changes, that I think will begin to restore confidence in the office of the Premier.

It is a matter of jurisdiction and a matter of degree. I just do not support the idea that this action is one that will really make a constructive step towards restoring confidence. In fact, I believe the reverse would probably be the consequence. Thank you, Mr. Chairman. I will conclude my remarks with my qualified support for this recommendation.

CHAIRMAN (Mr. Krutko): To the motion. Ms. Lee.

MS. LEE: Thank you, Mr. Chairman. I keep reading this motion and I do not think anyone could really be opposed to the motion the way it is written. I do believe that we as a Legislature as well as the Premier's office have a lot of rebuilding to do to gain the confidence of the public. I believe I would support this motion because I believe there is a role for the Premier to play in doing what has to be done to restore the confidence of the public and enable us to move forward and deal with the issues that are important to the public.

I have to agree with Mr. Braden in that I believe -- before I go to that, I want to say, with respect to this issue, I listened to the testimonials of all of the witnesses very carefully and I thought it would have been helpful if we could have had testimonies from other people that were in the room at the same time.

In listening to the testimonials, I could not figure out why -- I mean, there was a lot of confusion about where this telephone conversation took place, who was there, who was doing what, who was sitting where and so on. I guess I have to leave it to the circumstance where there are meetings held around this room all the time on a number of issues and it would be hard for anyone to really remember exactly what happened at what meeting and who was doing what.

Regardless, I know that I have had the occasion to talk to the parties involved. I know that Mr. Bayly -- I am really hesitant to mention names here because I feel very uncomfortable in doing that but I know that he came to this office with an impeccable reputation and he is held in high regard throughout the North and within the bar that he has served for many, many years. I know that he acknowledges that this was a failure in his judgment and it happened in the circumstances where a lot of things were happening at once.

I think that the Premier understands the seriousness of this conduct and I have to state that I am very disappointed at the circumstances under which this taping of a conversation took place, and having a conversation without informing the other party there were other people in the room listening to the conversation. I think this is a very serious matter and I have to agree with the motion in asking the Premier to take actions as he sees fit.

I do believe we have to be careful when we make judgments on the conduct of our staff. Every one of us has our own political staff. They are only answerable to us and I do not think that it is our mandate to go and say exactly what needs to be done. I appreciate that there is a suggestion made here in paragraph 8.22 as to what the committee recommends to happen. I believe it is the Premier's prerogative to address that issue.

There were a couple of other things I wanted to comment about on this. It has to do with the process. Earlier I mentioned that the committee had stated that it saw its mandate as being accountable, open and transparent in its process, as well as doing its part in making the government accountable and making sure that it is open and transparent.

I am uncomfortable with the fact that while the witnesses whose positions were in jeopardy by virtue of being called into process, for example, the Minister and the Commissioner were allowed to have legal counsel, all the other parties were not. As we know, the reporter Lee Selleck chose not to appear and he is not under the same kind of jeopardy as is being suggested of others, so there is a sense of unfairness in that the application for standing by these witnesses were dealt with in a private meeting and it was not open to the public and we have no idea why they were not afforded the opportunity to have counsel with them. As well, if it was the decision of the committee that it felt that it was appropriate for the reasons of timeliness or not having too many lawyers or whatever, if that was the case, then I think that their evidence cannot be used to the extent that it has been in this report.

I find it curious that the testimony of Ms. Sorensen and Mr. Bayly and I believe Mrs. Groenewegen are more similar than the testimony of April Taylor. I have listened to this case and I believe she stated that she was in a room that was different than what the rest of the people stated. The committee chose to decide that her testimonial was more credible. I just find it questionable that when you hear four people and there are more similarities between the testimony of three people and yet the committee felt compelled to accept the other person's.

It was really a judgment call and there are serious allegations of -- there are implications that some of these witnesses were not being honest in these discussions, that they were intentionally being selective about the documents being presented, that somehow these witnesses had political motive. I just thought that when I was watching Mr. Bayly's testimonial, he was very frank about what he knew, what he remembered and what he did not remember.

Ms. Sorensen had as much lapse of memory as everyone else who was trying to recall what it was that happened in that meeting. Having listened to all of the testimonials and watched the video and taped the video -- I still have it if anybody wants to watch it -- and reading the finding of the fact, I have a problem in how the committee comes to the conclusion that it does. I just want to make note of that and say that I will be supporting this motion in so far as I recognize and I agree that steps have to be taken to restore the confidence of the public so that this government can move forward and attend to the people's business. Thank you.

CHAIRMAN (Mr. Krutko): Thank you, Ms. Lee. Mr. Kakfwi.

HON. STEPHEN KAKFWI: Thank you, Mr. Chairman. Mr. Chairman, the motion, as it is drafted, suggests that I should take immediate action to regain the confidence of the public and all Members and if it is as generic as it is drafted, I do not think anybody can vote other than in support of it, whether or not we agree that any confidence has been lost. If it has been, of course, all of us, myself included, must take action to regain confidence. That is the nature of our work.

Each one of us is compelled to always act in the best interest of the values that we purport to represent and conduct ourselves accordingly. When we diminish ourselves, it is our obligation to take action necessary to regain that. That is really the nature of our work.

I am not going to be reduced to purely political interests here. It is my job to provide leadership and I think exemplary conduct in how I make decisions. Members will know that I have already taken action regarding staff. There is that rather compelling letter, as I said, from the committee that I think caused tremendous concern about what I could and could not do in the last few months. There was action contemplated as late as two or three weeks ago. I was advised by the Clerk that I was to do absolutely nothing, that there was no way that the committee would tolerate even a hint that I was going to take any action that might be perceived to be interfering or influencing whatever the committee was contemplating.

Having said that, I did go to the staff in July and I got collective advice from the staff about the alleged conduct, of which there was limited knowledge and discussion, again because of the committee, regarding Mr. Bayly and Ms. Sorensen. I went beyond what was recommended by senior management, my

advisors. I issued letters of reprimand based on legal advice and management advice that I received.

I said earlier today that in my view, some form of reprimand was also warranted for April Taylor. Senior management did not agree with me on that. At best, I think they gave her a verbal form of reprimand.

You heard the testimony of April Taylor, who said in her view she did not deserve to get a letter of reprimand.

Mr. Chairman, the committee did not question me about why I took the action I did and what constituted the basis for the action that I did, but they did make the suggestion that in their view, it was not sufficient.

I should tell you, as I have said, I have already taken disciplinary action. It was considered collectively as appropriate action. In fact, a little bit beyond what I was advised to do.

I want to point out that both of these senior staff took responsibility for their actions and expressed sincere remorse for those actions. Mr. Bayly even offered his resignation, which I considered and did not take. I should point out that Ms. Sorensen has a lengthy work history that I believe is unblemished, untarnished and exemplary. Although Mr. Bayly does not have the same lengthy service for the Government of the Northwest Territories, the service he has provided to the Northwest Territories has been considered excellent and he has always demonstrated very high ethical standards.

These two individuals are considered by everyone who works with them to be extremely hardworking, principled and work to the highest standard. It is true that they were present in the room at some point or other, but it was the Deputy Premier and not these staff people who taped the conversation.

I recognize that Bayly and Sorensen made an error in judgment. In my words, the moment was there and the moment got away on them. While these actions are regrettable, they do not warrant dismissal and we do not believe that we can successfully withstand a legal challenge to such a decision, even if I were to contemplate it for a moment, which I am not.

I think it is important that the committee did not ask me to explain why I thought letters of reprimand were appropriate when I testified. I do not think it is fair for the committee to draw the conclusion that I should have dealt with these employees more harshly than I did without exploring the reasons for the actions that I took.

In any case, I have reviewed it again. If Members are interested in knowing the actions that I have taken to date, I have sought the legal advice and advice of senior management in this government. The actions that we took stand and are not going to be revisited. There are other ways in which I can take action. I will meet with the blessing of the Members and members of the public, of course, I will do that. I am always advised to do that, but it will not include revisiting these decisions.

Having said that, I have no difficulty with the motion as it is drafted. Thank you.

CHAIRMAN (Mr. Krutko): Mr. Bell.

MR. BELL: Thank you. Just before I move to ask for a vote on this, Mr. Chairman, I would just like to say I think it was important for the committee to not come out here and purport to tell the Premier who he can hire and who he cannot hire. As has been mentioned previously by other Members, it is the Premier who is ultimately accountable for his staff's performance. It is the Premier who should make decisions as to whether or not they deserve reprimands. It is the Premier who should decide whether or not they continue to work for him in serving the interests of the people of the Northwest Territories.

We did suggest that it was our view that the Premier should require the resignations. It was simply the opinion of the five of us, the membership of the committee. We were certainly not ordering the Premier to do this. We were recommending that he take immediate action to regain the confidence of the public and Members.

There are a whole gamut of options here. The Premier could do absolutely nothing more and say I have reprimanded these people, I have gone above and beyond already, what was required. In fact, he has just stated that even our senior management, when advising him, said the conduct of Bayly and Sorensen does not even warrant a reprimand. I find that scary but that aside, that is the advice that he received.

As I said, there is a gamut of options, from do nothing to ask for resignations and many in between. It is up to the Premier to choose the option that he feels is most appropriate and in doing so, retaining the confidence of the House and the confidence of the public of the Northwest Territories. I hope he will take that task seriously. Thank you.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Bell. Mr. Roland.

MR. ROLAND: Thank you, Mr. Chairman. As for myself, of course, I mean it is incumbent on me to state that I will be supporting the motion but I will add to that in the context of how the report is laid out.

Mr. Chairman, it is the responsibility, ultimately, of the Premier, of how his staff conduct themselves in relation to the ongoing work of this House. The fact is, Mr. Chairman, as a Member of this Assembly, if I have a concern that gets raised and it goes to Cabinet, in one form or another, the senior staff would deal with the issue or provide him advice. We have heard already from the Premier his status on this and will move forward with that. Some of us Members will have to consider what he stated at this point.

In light of all the information, Mr. Chairman, I agree we cannot absolutely state that he must remove two individuals from his senior staff. Just to leave that motion as it is and to have no context with it as laid out in the report is a rather empty one.

The Premier stated he has to show the leadership. He is the leader and I agree. At some point, one has to make a decision based on the interests of the people of the Northwest Territories that would call on that leadership ability. He is going to stand by his decisions and I must say his commitment is one that I think a lot of people would like to have; stand by your decision. That is good.

Now myself as a Member, I support this motion. After it goes through, knowing what the Premier stated, I have to look at where I stand in the whole thing. There has been much laid out

in this process, Mr. Chairman, on the conduct of some of the senior staff of this government. Very questionable how they became involved in a conflict process from day one. Mr. Chairman, that is not acceptable.

Now, if there was a concern raised, I am sure that at some point someone would have raised the red flag. I think it would have been done and should have been done. If it was not, that this situation existed, the fact that the Premier stated on July 23rd in the House of the incidents that happened, that his staff were involved, but no one was made aware of it until this process kicked into gear, the fact that he as Premier did have that information and now is ready to stand by the decision he has made in the past, and again I guess it is one to say, some political fortitude there in the sense of standing by your decision.

Some would say, and I will be quite frank about this, the fact that issue, and some would make light of it, in fact that some Members here on the other side have been spoken about in a light that is not very good, being bitter and twisted. It has been said publicly. That is a defensive sum, but I know in front of my constituents I can stand up and say I have raised the issues and say I raised them fairly.

Though some speakers here have spoken out in support of the motion in an empty context, then why make the motion? For far too long this government has been full of fluff. Put some fortitude behind it. You want credibility? It does not fall in your lap. We earn it. You want respectability? That is another thing we earn.

Even as children of our own parents, it is not something that is granted automatically. It might be from a small age until we get a little older, but then we usually do something wrong that our parents discipline us on. Then we have to earn it back. He has an opportunity to earn some of that respect back and that credibility. I will give him the benefit of the doubt to see what occurs, but if it is as he stated and he is standing on it, then I as a Member will have to look at my options of what remain.

Now, it is easy to say in this case that the actions Minister Groenewegen has taken, the high road as many Members have said, in stepping down as a Minister of this government, but there were checks and balances that were in place, or should have been in place, at the most highest places in this government that have failed. Now, where they have failed, I am not sure, but they failed and they failed this Minister.

If Members are going to support this motion, they should support it for a reason. As for myself, Mr. Chairman, I will support this motion in the context it is laid out in the report, not taken lightly, not taken in the sense of making anyone pay. I look at the long term. I look at the people I represent and I tell you, Mr. Chairman, what some of the people said about this process I cannot repeat in this House because they were not very flattering about the trust that they have in this government.

I think that as Members of the Assembly, we do all have to reflect why it is we first came into this position, why is it that we took that oath. Why is it we want to be partaking in this situation, knowing of all the issues that would come our way, good and bad.

As a Member of this House, whatever the outcome, I will accept this House, its decision at the end of the day but I will

always have to look back to my people and ask was it the right thing to do? They will tell me if I was right or wrong.

With that, Mr. Chairman, as I said, I support this motion in the context it is laid out in the report and as a Member of this Assembly, I will have to reflect on that knowing what the Premier said. Thank you.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Roland. Mr. Krutko.

MR. KRUTKO: Thank you, Mr. Chairman. Mr. Chairman, I too have some concerns in response to the Premier in regard to this motion. I for one feel that the allegations are serious. This did not take place in a coffee shop or secretary's office. This took place in the highest office of this government and in the Northwest Territories. It took place in the Premier's office.

This recording of a statutory officer of this Legislature should not have happened, but it did happen. For no action to be taken for almost three months, and for us to be told in this House that a phone call conversation took place in March and finding out through the process that it was two recordings, not just one. What I am upset about is for us to realize that senior officials of this government, in particular the principal secretary, who is a lawyer, who has a long career in law in the Northwest Territories, knowing the question of lawyer-client privilege and the question of confidentiality was breached. For him to sit there and knowingly take part, regardless of whether he was holding the tape recorder or not, and not take action to uphold the law of this land and uphold the law of the protection of this House, and for it to take as long as it has to where we are now at this point...

It took three months before the Premier was made aware of it or it was even discussed in the context of what we are discussing here today. But if no action is taken, basically, from what I am hearing from the Premier, is he is condoning the action that has taken place. I for one feel that we have to do more to ensure that there are going to be stringent rules and what not in place in regard to how conversations will be monitored and having a process so that whoever is on the other side of the line is made aware that they are being recorded.

I think for this to have taken place in the Premier's office is a serious enough matter that action has to be taken.

I for one feel that -- no offence to Mr. Bayly, I have a lot of respect for Mr. Bayly -- but I also thought that through his experience in law, that he would have been up front and made the Commissioner aware of the people who were in the room and that the conversation was being recorded. That did not happen.

With regard to Ms. Sorensen, who again is another senior official in this government, she also should have taken action on this matter as the chief of staff to make sure that these actions would not have been condoned or that immediate action should have been taken and not for us to have to come to this point and dealing with this motion.

I feel that this motion has to have some meaning. Action has to be taken. Knowing Mr. Bayly submitted his resignation in regard to this matter tells me that he realized that he did make a mistake.

I think that because of that, something has to be done to ensure that public trust is rebuilt, that we take the time to ensure that actions are taken, and meaningful action so that we can show the public that things have been done, that there are rules in place and we are tightening up in regard to the procedures that happen with regard to how people will be -- conversations will be recorded and individuals made aware of it. In those cases that there has to be procedures in place and also how we handle these types of incidents, that hopefully will not happen again, but if they do, there has to be a clear, spelled out process so that we know that action will be taken, immediate action will be taken, and that rules are spelled out clearly so that everybody in the government knows that this is a no-no and that you will be dealt with severely and seriously in the context of your job or jobs.

I think that with the motion that is in front of us and the recommendations in the report, it is clear. I think that it is important that we establish a time frame in this motion to state that the Premier does report back to this House in a specific time frame so that we can see exactly what action has been taken and if no action is being taken, how do we deal with it?

I think this motion has to be meaningful. Something has to be done and we do have to keep this government accountable and also assure the public that we are doing something to ensure this never happens again.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Krutko. Mr. Steen.

HON. VINCE STEEN: Thank you, Mr. Chairman. Mr. Chairman, I agree that it would be almost inappropriate for almost anyone not to support the motion. The motion speaks for itself, so to speak. I have no problem with the motion whatsoever. I intend to support the motion.

Mr. Chairman, at the start of the process this afternoon, I did not take my ten minutes to make comment on the overall report, but rather save my time for responding to the recommendations as they were made and brought up. Mr. Chairman, at risk of being moved out of order here, I wish to take the opportunity to thank the special committee for the time they took to come and bring this issue to a close and I really hope that we don't ever have to deal with an issue like this again.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Steen. Mr. Ootes.

HON. JAKE OOTES: Thank you, Mr. Chairman. I think the other Members have already spoken that the way the recommendation stands it would do little to vote against it. However, in referring to item 8.22, I take the view that it requires the resignation of John Bayly and Lynda Sorensen and that the Premier should require that. I do not agree with that, Mr. Chairman.

I think credence should be given to the regret that has been expressed by both Mr. Bayly and Ms. Sorensen over what has transpired here. I do believe some of this, while not appropriate, came on them fairly fast and furious and somewhat inadvertently.

I think credence should also be given that Mr. Bayly offered to resign from his position. There has been no blemish on either of their records that I know of. Mr. Bayly is a respected lawyer who joined the Premier's office about a year and a half ago and

he is extremely well-respected in the Territory. I do not think anyone would have thought that Mr. Bayly, even today, that Mr. Bayly would deliberately do something that would be illegal. I believe it happened somewhat inadvertently.

Ms. Sorensen has served the Premier for many years and has performed duties in this government for many years. I believe that should be respected as well.

On the matter of process, we should respect the fact that Ms. Sorensen and Mr. Bayly were denied the application for limited standing and I think that is an important point. There should be recognition that witnesses without counsel and standing could be compromised in those situations, Mr. Chairman.

As I stated, I do not support the quest that resignations be sought. I think there needs to be some understanding here of the need and freedom by all Members to have staff and that this may leave the impression, if we take this action, that many more staff may be subject, in the case of errors, may be subject to tremendous disciplinary action.

While I appreciate the need for disciplinary action as I stated, the Premier has given letters of reprimand to both individuals. I think we must be careful about demanding the resignations over the situation. Also, we must remember that it was the Deputy Premier who did the recording in this circumstance. In this case, she would have been the senior individual in the room at the time, and therefore certainly employees -- I am not suggesting that they do not have a responsibility -- but certainly employees may express some reservation on how to proceed.

Those are my comments in regard to this particular motion. Thank you.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Ootes. Mr. Lafferty.

MR. LAFFERTY: I speak in support of the motion. I have confidence that the Premier will do what is right. I should also say that 8.22 should be taken into consideration. There was a mistake made by two senior staff. What is there to say that this will not happen again? The mistake that was made cost two people their jobs. They are there to give good advice. They chose to withhold information from the Premier and they did not give the right advice to the Minister.

As one of my colleagues said, they were involved right from the start. It took months before they told the Premier that there was a recording and they were involved. If I was the Premier and if I did not do anything with the staff right now, I would be wondering when is the next time that something like this is going to happen? How much information are they withholding from me? That is a question I will always have in my head. For the protection of the Premier and the Ministers, I have to support the motion with 8.22 in there. That is all I have to say, Mr. Chairman.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Lafferty. Mr. Allen.

HON. ROGER ALLEN: Thank you, Mr. Chairman. It is my duty, I believe, that I should share with you some observations that I have collected. Like my colleague from Inuvik Boot Lake I have communicated back to the members of my riding. Although I am not here to judge the evidence before us of whether there was any indication of a breach of trust or misjudgment on behalf of the two staff members, it is still incumbent upon them

to adhere to the strict standards, practices and conduct of persons occupying the positions of principal secretary and chief of staff, which must reflect those which Members and officers of the House and the electorate expect and require.

Those principles, Mr. Chairman, are required of us as Members. In my leadership with my various departments, I emphasize strongly that if the Minister is accountable to the public, then so should be the staff. I think that is the guiding principle that we all must adhere to.

The important statement I am making today is based on these principles. As my colleagues in the House said, we swore an oath of allegiance last year. I think we have worked hard to improve the quality of life in the North. I am sad to see that some of us are caught in the quagmire of this report.

The importance here I believe is to express to fellow Members that there are constituents out there who drive us and compel us to reply to this report. I have said today it is in the betterment of the Premier to determine what level of discipline he applies to his staff. Likewise, I think he would say the same thing to me if I had staff who breached the conduct and the requirements that are set so highly in this House.

It is with some remorse that today I lose a colleague. I think she had helped the people of the North in terms of improving the quality of life through health. I think she had dedicated herself to the need to pursue a higher degree of excellence in the North but again -- I am honoured to see her sitting here tonight, as well as yourselves as Members -- that she had left in the highest regard. I just wanted to share that with you and ensure my constituents that their message was relayed to the Premier and to my colleagues in this Legislative Assembly. Thank you.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Allen. To the motion. Mr. Bell.

MR. BELL: Thank you, Mr. Chairman. One last point of clarification. I believe Ms. Lee made a statement that the standing applications, or the applications for standing for the various participants, were decided in a secret meeting. I just wanted to assure everybody that obviously this was done in a fully public hearing and not in a secret meeting so that nobody is confused. Thank you.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Bell. To the motion. Question has been called. All those in favour? Opposed? The motion is carried.

If there are no further comments, that concludes the consideration of Committee Report 6-14(4). Does the committee agree that consideration of Committee Report 6-14(4) is concluded?

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): I will now rise and report progress. Thank you, colleagues.

MR. SPEAKER: The House will now come back to order. Item 20, report of committee of the whole. The honourable Member for Hay River North, Mr. Delorey.

ITEM 20: REPORT OF COMMITTEE OF THE WHOLE

MR. DELOREY: Thank you, Mr. Speaker. Mr. Speaker, your committee has been considering Committee Report 6-14(4) and would like to report progress with three motions being adopted, and that Committee Report 6-14(4) is concluded. Mr. Speaker, I move that the report of the committee of the whole be concurred with.

MR. SPEAKER: Thank you, Mr. Delorey. Do we have a seconder for the motion? The honourable Member for Tu Nedhe seconds the motion. All those in favour of the motion, please signify. Thank you. All those opposed? 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 tomorrow for 9:00 a.m. of the Cabinet House Strategy; at 9:00 a.m. of the Standing Committee on Accountability and Oversight; and the change in time for the Caucus meeting now at 11:00 a.m.; the Standing Committee on Governance and Economic Development at 11:30 a.m.

Orders of the day for Thursday, October 25, 2001:

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

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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
 - Bill 15, Supplementary Appropriation Act, No. 3, 2000-2001
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
 - Minister's Statement 4-14(4): Update on the Social Agenda
 - Minister's Statement 30-14(4): Sessional Statement
 - Minister's Statement 31-14(4): Fiscal Update
 - Bill 5, An Act to Amend the Education Act
 - Bill 6, National Aboriginal Day Act
 - Bill 7, Powers of Attorney Act
 - Bill 9, Commercial Vehicle Trip Permit Act
 - Bill 10, Public Highway Improvement Fund Act
 - Bill 13, An Act to Amend the Income Tax Act, No. 2
20. Report of Committee of the Whole
21. Third Reading of Bills
22. Orders of the Day
- MR. SPEAKER:** Thank you, Mr. Clerk. Accordingly, the House stands adjourned until Thursday, October 25, 2001, at 1:30 p.m.
- ADJOURNMENT
- The House adjourned at 9:00 p.m.