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The Honourable **Samuel Gargan**, Speaker

MEMBERS PRESENT

Honourable Jim Antoine, Honourable Goo Arlooktoo, Mr. Barnabas, Honourable Charles Dent, Mr. Enuaraq, Mr. Erasmus, Honourable Sam Gargan, Mrs. Groenewegen, Honourable Stephen Kakfwi, Mr. Krutko, Mr. Miltenberger, Honourable Don Morin, Honourable Kelvin Ng, Mr. Ningark, Mr. O'Brien, Mr. Ootes, Mr. Picco, Mr. Rabesca, Mr. Roland, Mr. Steen, Honourable Maniok Thompson, Honourable John Todd.

ITEM 1: PRAYER

Oh, God, may your spirit and guidance be in us as we work for the benefit of all our people, for peace and justice in our land and for the constant recognition of the dignity and aspirations of those whom we serve. Amen.

SPEAKER (Hon. Samuel Gargan):

Thank you, Mr. Enuaraq. I would like to welcome back the Member for Mackenzie Delta, Mr. Krutko. Welcome back.

--Applause.

I also would like to make a ruling on the point of privilege raised by the Member for Iqaluit, Mr. Picco.

Point of Privilege

I would like to provide my ruling on the point of privilege raised by the Member for Iqaluit, Mr. Picco, on October 7, 1997. The Member for Iqaluit raised a point of privilege during question period. The Member indicated, and I will quote Mr. Picco's comments from pages 2424 and 2425 of the unedited Hansard and I quote: "Mr. Speaker, my point of privilege is that as a Member by identifying me as a Chair of a committee he insinuated that my question was not appropriate." Mr. Picco in his point of privilege indicated that he was asking his question as an Ordinary Member, not as Chair of a committee.

To consider whether the Member of Iqaluit has a point of privilege, you have to refer to the series of questions and supplementary questions asked earlier in the question period by Mr. Picco to the Minister responsible for the Liquor Licensing Board, Mr. Todd. Mr. Picco had asked a question and three supplementary questions on the matter of deposit fees on Liquor containers. Mr. Picco's point, as I

understood it, centred around Minister Todd's previous comments, and I quote Mr. Todd: "My honourable colleague is the Chair of the Committee", and "I am surprised my colleague would ask that questions given his experience, depth of knowledge and as a Chair and active opponent in this House ...", end of quotes from page 2418 of unedited Hansard.

I considered the relevant authorities contained in Beauchesne's Parliamentary Rules and Forms, 6th edition, including citation 92, and I quote: "A valid claim of privilege in respect to interference with a Member must relate to the Members' parliamentary duties and not in the work the Member does in relation to that Member's constituency." Also, citation 31 provides guidance as to circumstances that may arise that on the surface may appear a question of privilege but are not, and I quote: "A dispute arising between two Members, as to allegations of facts, does not fulfil the conditions of parliamentary privilege", end of quote. There is always a difficulty for Members and sometimes for the Chair to differentiate between questions of privilege and questions of order. As to this particular point, I did not find that the two comments made by the Minister responsible for the Liquor Commission as to the role of the Member for Iqaluit, as Chair of a Committee, to be a question of privilege. However, the Chair does understand how at the time of the questioning the Member for Iqaluit perceived that the comments of the Minister appeared to respond to him as a committee chair rather than as the Member for Iqaluit. This still does not establish a prima facie case of privilege. As citation 69 clearly states, and I quote: "It is very important ... to indicate that something can be inflammatory, can be disagreeable, can even be offensive, but it may not be a question of privilege unless the comment actually impinges upon the ability of Members of Parliament to do their job properly", end of quote.

While sitting in the Chair and later in reviewing the point of privilege, however, I noted both Members were very close to having the Chair call them to order for other comments they each made. I must once again remind Members that questions and answers should not be argumentative nor provoke debate or contain inferences, impute motives or cast aspersions. I would hope all honourable Members will continue to be guided by these guidelines for asking and answering questions. Thank you.

--Applause

Item 2, Ministers' statements. Mr. Morin

ITEM 2: MINISTERS' STATEMENTS

Minister's Statement 112-13(4): Resignation of Premier Frank McKenna

HON. DON MORIN:

Thank you, Mr. Speaker. Mr. Speaker, as many of you know, the Premier of New Brunswick, the Honourable Frank McKenna, resigned Wednesday after ten years as the leader of that province. When Premier McKenna first took office in 1987, the province of New Brunswick faced some serious financial problems. Under his leadership and direction, however, that picture has changed, and New Brunswick is now one of the bright spots in Canada in terms of economic development. An experienced and popular politician, Premier McKenna is not only dedicated to the people of New Brunswick but to all Canadians because of his commitment to Canadian unity. He is also a strong advocate for literacy, and has received international recognition for his efforts in that area.

Mr. Speaker, over this past year, Premier McKenna served as the Chairman of the Annual Premiers' Conference and hosted the Premiers at our meeting in New Brunswick this August.

Page 1492

More recently, in September, he chaired the Premiers' meeting on National Unity. At both of those meetings, he helped to ensure the Northwest Territories had an equal voice at the national level, and he expressed a great deal of interest in the unique challenges we face in the north.

Mr. Speaker, it has been a pleasure and an honour to work with Premier McKenna. He is, in fact, one of the most honourable men I have ever met. Whether he is working at the provincial or national level and whether it is for a professional or personal cause, Premier McKenna is an excellent role model for political leaders across Canada and, indeed, for all Canadians. I am sure all of the Members join me in recognizing the outstanding service Premier McKenna has provided his province and his country and wish him and his family continued happiness and success. Mahsi cho.

--Applause

MR. SPEAKER:

Thank you, Mr. Morin. Ministers' statements. Ms. Thompson.

Minister's Statement 113-13(4): Fire Prevention Week - October 5-11, 1997

HON. MANITOK THOMPSON:

Mr. Speaker, this week, the week of October 5th to 11th is recognized throughout North America as Fire Prevention Week. This year's theme is, Know When To Go - React Fast to Fire.

Mr. Speaker, the Northwest Territories continues to lose too many lives each year as a result of fires in the home. It is important for everyone in the Northwest Territories to develop and practice an emergency escape plan for house fires. Once fire strikes, you may only have a few brief moments to safely evacuate the deadly gases given off by fire. I urge all residents to be aware of the danger of fire not only during this week but throughout the year. Check your smoke alarms and ensure that a portable fire extinguisher is readily available in your home.

Mr. Speaker, as I am also sure our fellow Members of the House would like to publicly acknowledge the significant contribution that our local heroes, our fire fighters, have made to the safety of our communities. Without their dedication and commitment to training and public education, we would see more tragic losses of property and lives in the Northwest Territories. I urge all citizens to participate in fire prevention activities planned for their communities and to contact your local fire department or the Office of the Fire Marshal if you need any assistance to make your home safe from fire. Thank you, Mr. Speaker.

--Applause

MR. SPEAKER:

Thank you, Ms. Thompson. Ministers' statements. Mr. Dent.

Minister's Statement 114-13(4): Update on Activities of the Council of Ministers of Education, Canada

HON. CHARLES DENT:

Thank you, Mr. Speaker. Good afternoon. Mr. Speaker, I would like to bring the Members of this Assembly up to date on the activities of the Council of Ministers of Education, Canada -- also known as CMEC. Education, Culture and Employment's

participation in CMEC allows us to discuss K-12 and post-secondary education matters with the provinces and the Yukon, so we can all learn from each other. The Council recently held a meeting in Saskatoon which dealt with a number of issues of interest for us here in the Northwest Territories.

Public concern about how to improve accountability in the education system is growing. Later this year, CMEC will publish a national report on education, which will discuss the state of education across the country. Improving student achievement in key subjects is another area of interest. For example, CMEC is developing a framework for science outcomes which will establish a common understanding of key standards for science. It will be used by provinces and territories to guide curriculum design. This framework will be unveiled on the 15th of this month. Activities in the area of post-secondary education include a country-wide initiative to discuss post-secondary expectations with respect to program quality, relevance, responsiveness and research. CMEC is also calling on the federal government to pay its share of the provinces' and territories' cost of reducing, avoiding or making manageable the debt load of people who received student financial assistance.

CMEC is extensively involved in projects which will help us build a better understanding of the status of education across Canada. All Ministers are focused on matters of standards, transitions for youth from education to work, compatibility of educational achievement at the national and international levels, as well as continuing to improve schools, colleges and universities. In many ways, the issues in other jurisdictions match those in the Northwest Territories. I plan to ensure that departmental activities benefit directly from the knowledge and experiences of other provinces and territories - and that we contribute the benefit of our own experience. Over the next few months, I will continue to advise this Assembly of CMEC activities as we work with other Members to improve education and training across this country. Thank you, Mr. Speaker.

MR. SPEAKER:

Ministers' statements. Ms Thompson.

Minister's Statement 115-13(4): Community Elections

HON. MANITOK THOMPSON:

Thank you, Mr. Speaker. Mr. Speaker, each year hundreds of women and men put their names forward to run for a leadership role on a local municipal council or education authority. This year, municipal elections will take place on October 20th in cities and towns, on December 8th in hamlets and settlements and throughout the year in charter communities. It is expected that nearly 1,000 people will be campaigning for local office. Mr. Speaker, I would like to acknowledge every individual who expresses an interest in serving their friends, neighbours and colleagues at the community level by entering this election process. These are challenging times for local governments and for the people who sit at counsel and meeting tables throughout the north. Federal, provincial and territorial governments have recognized a greater responsibility and control at the local level and this will provide more relevant programs for community residents.

In the Northwest Territories for example, the responsibility of local authorities is expanding through initiatives such as community wellness and community empowerment. My

Page 1493

greatest respect goes to the dedication and hard work of the elected leadership. I look forward to working with and continuing to work with our community leaders of today and following the upcoming elections.

Mr. Speaker, I would also like to offer a special congratulations to all the women who have chosen to run for any of the community leadership roles, to serve as campaign or election volunteers or to cast a ballot in the various elections. I strongly believe that the voices of women must be heard at all levels of government and especially at the community level. Women offer an important voice in society and in the north, and the upcoming municipal elections offer a great opportunity for women to get involved.

Finally, Mr. Speaker, I would like to recognize everyone who will take the time to cast a ballot on election day. In the past, voter turnout has been on average 50 percent of eligible electors. While this is a good percentage compared to the Canadian average, I would like to see that number much closer to a 100 percent. I encourage all northerners to exercise their right to vote during the upcoming municipal elections. It is not only your responsibility as a member of your community and as a resident of the Northwest Territories, it is also your chance to have a voice in

the decisions that effect you and your family. Thank you, Mr. Speaker.

MR. SPEAKER:

Thank you, Ms. Thompson. Ministers' statements. Item 3, Members' statements. Mr. Roland.

ITEM 3: MEMBERS' STATEMENTS

Member's Statement 455-13(3): Compassionate Treatment of Civil Servants

MR. ROLAND:

Thank you, Mr. Speaker. Mr. Speaker, I would like before I start, to send greetings to my wife and children back home in Inuvik. Mr. Speaker, I rise today to bring forward a concern that has bothered me for quite some time. The concern is that of our employees. They have for two years of this government's life gone along with our direction to balance the budget. In many cases they were the ones who implemented our decisions. In other cases they were told their positions would no longer be required. Those that remained were told that they are expected to carry on and in many cases with an increase in their workload.

Achieving a balanced budget is something we set out to do and it looks today that we have achieved our goal. This however, has not been without a cost. In fact, it has had a significant impact even to those who could least afford it.

Mr. Speaker, we said that we would change the way government does business. Some would say all we have done is increase the waiting lines. This is not only the case for those who go to the government for service or assistance. This is also the case for those who work for this government.

Over the summer I received calls from past employees who had not received their record of employment for a number of months. It is bad enough to lose your job, but then to have to wait, in some cases months for important papers, can be devastating. We have heard in this House that this government would deal with its employees in a compassionate manner.

Mr. Speaker, I refer to Hansard, where Mr. Todd replies to a question, and he says, "What I will attempt to do is to try and do in a caring and compassionate way as I can and I will take my honourable colleague's suggestions under consideration." Mr.

Speaker, I think we have to look for that example of compassion. Thank you.

MR. SPEAKER:

Thank you, Mr. Roland. Members' statements. Mr. Rabesca.

Member's Statement 456-13(4): Highway 3 Paving Schedule

MR. RABESCA:

Thank you, Mr. Speaker. Today I would like to take you back to the period when Gordon Wray was Minister for Transportation. Realizing the need to have an upgraded highway system, the department started to improve the southern road system. Work began in the southern section of Alberta/Northwest Territories border, north in the 1980's. Then during session in 1990, Mr. Wray introduced the Transportation Strategy for the Northwest Territories. The subsequent Ministers, Mr. Todd and Mr. Antoine used this document for the basic framework to implement our current strategy for transportation needs in the territories.

In this document it showed the need to upgrade our highway system comparable to southern Canada. In 1990, construction started in both Fort Providence and Edzo to rebuild Highway 3 with the idea that within five years both ends would meet.

This year I was hoping to announce in the House that after seven years of construction, costing millions of dollars, Highway 3 is now paved between the Rae Access Road junction and junction to Highway 1. Meaning, once a person leaves Yellowknife and reached the Rae Access Road junction, he will be driving on pavement to one's destination in the south.

Unfortunately, I cannot say this as there is still approximately nine kilometres to be completed. I have been told that this work should have been completed this year, but due to the high rain fall and other unexpected weather conditions, there will not be the solid black ribbon line going through to the south until next spring.

Later during the question period, I will be asking the honourable Minister a question regarding this situation. Thank you, Mr. Speaker.

MR. SPEAKER:

Thank you, Mr. Rabesca. Members' statements. Mr. Krutko.

Member's Statement 457-13(4): Appreciation to Colleagues

MR. KRUTKO:

Thank you, Mr. Speaker. At this time I would like to thank the many people who have shared their condolences, especially in regard to the support that we received with the passing of my mom. I would also like to thank my colleagues in the House, and yourself, Mr. Speaker. A big thank you. Thank you.

MR. SPEAKER:

Thank you, Mr. Krutko. Members' statements. Mr. Picco.

Page 1494

Member's Statement 458-13(4): Washington Education Seminar

MR. PICCO:

Thank you, Mr. Speaker. I rise today to give a report on a recent trip I took with you to Washington, DC. The trip was organized by the Commonwealth Parliamentary Association and its focus was on the U.S. education system. Discussions were on the similarities and differences between the two systems. Our meetings ranged from Ambassador Chretien at the Canadian Embassy, to officials of the federal government, the National Governor's Association and the U.S. Education Associations.

We also had an opportunity to visit the State of Maryland Legislature. We had discussions and lunch with State Senator, John C. Astle, and delegate, Howard Rawlings. The most striking similarity that I saw between our two countries is the attitude that the education system is failing some, mostly the poor and minorities, and that more results have to come from the money being spent. This has resulted in the Clinton Administration proposing voluntary national standardized tests. One for grade four in English and another in grade eight in mathematics. A major problem is the federal government only kicks in six percent of the budget for K-12 education and the states will foot most of the bills and the school boards which develop the curriculum do not like the idea of interference. At this time, only a few of the states have opted into this program.

Another similarity is the failure of the so called "holistic" form of education. This is where children are kept from their peer group. They are not failed, "x's" or red markers are not used on tests. Mr. Speaker, this debate has been raised many times in the north and the pedagogy surrounding it needs to be looked at by the Government of the Northwest Territories, as several of the provinces are now doing.

The States are also having the same debate over phonetics and whole language. Adherents on both sides insist their way is right and can only see a classroom that fully embraces their teaching methods. An official from the National Education Association pointed out the obvious in the situation. Since phonics are essential in teaching, reading and whole language is essential for writing and structure, both methods should be used in teaching in the classroom. This emotional debate over education, on both sides of the border, it appears that many miss the obvious solutions while fighting for their ideas.

The Americans introduced the whole language approach first in the New England states and then in California. Later on it came across the border and drifted into Canada, and now is widely used nationally and here in the north. Now, as I explained, many states are revisiting this approach and to say that it is a controversial issue is surely an understatement.

Other delegates from Canada also had many of the same concerns with the holistic approach to education. Mr. Speaker, I seek unanimous consent to continue my statement.

MR. SPEAKER:

The Member for Iqaluit is seeking unanimous consent to conclude his statement. Do I have any nays? There are no nays. Mr. Picco, you have unanimous consent.

MR. PICCO:

Thank you, Mr. Speaker. A disturbing difference between the U.S. and Canada involves teachers. From my understanding, there are no state or national unions for teachers. Each school board pays its teachers the wages it can afford and negotiate. This means that poor, urban centres with a low tax base, offer lower wages. The richer, suburban areas end up getting the better quality teachers, it would seem. The effect is reflected in Maryland where testing in Baltimore's inner-city schools showed 10 to 13 percent of students reached the minimum standard of

knowledge for the grade level they were in. Meanwhile, in the richer areas the results were easily three to four times higher.

These sort of results have also resulted in the state going in and taking over the schools with poor test results and trying to establish better learning. This has been done with mixed results. Since each school board set its own curriculum, each school may teach different parts of courses. This includes core courses. This has resulted in many students, even "A" students not being properly prepared for post-secondary education.

Some colleges and universities have set up summer orientation courses to further educate freshman and bring them up to speed in an effort to prepare them for university courses. There is even talk of freshman using their first year of post-secondary education to upgrade their education enough to be able to handle a full university workload. Sounds familiar, Mr. Speaker.

Lastly, there was talk about the charter school system in the States. Charter schools are a relatively new type of public school, that is released from many of the regulations normally applied to public schools. In return there is an increased accountability to ensure students achieve better results. Half the states have passed legislation authorizing the establishment of charter schools. Each charter school is treated like an independent school agency. They get their funding directly from the state. Many areas are looking at charter schools because they feel they will have more say in its operations and standards.

Mr. Speaker, I am going to end my report there. The information on these and other subjects will soon be available in the legislature's library. I found my time in Washington to be very informative and to be able to speak with people who are attempting to deal with many of the same concerns and problems we are, is both eye-opening and helpful. Thank you, Mr. Speaker.

MR. SPEAKER:

Thank you, Mr. Picco. Members' statements. Mr. Enuaraq.

Member's Statement 459-13(4): Transfer of Renewable Resource Officer Position to Broughton Island

MR. ENUARAQ:

Thank you, Mr. Speaker. A year ago the community of Broughton Island decided they would like to have the renewable resource officer position transferred under community empowerment. The Department of Resources, Wildlife and Economic Development were sent a letter of interest in October 1996. The community was informed that there may be a problem with enforcement issues if the renewable resource officer position went to the community under community empowerment. The community did not see

Page 1495

this as being a problem because there are community constables who must enforce the law and do so.

To make transfer to community empowerment easier, enforcement was not to be included in the draft agreement. The community has continued to make requests for a draft agreement and the last three years have actual costs at Broughton Island position. The Department of Resources, Wildlife and Economic Development were contacted by a letter and e-mail over five times last year. Broughton Island has received nothing in writing from the regional office since January 29, 1997. The department has been contacted in writing three times since January, asking for a response. The community is frustrated with the lack of attention that this issue is receiving. Thank you.

MR. SPEAKER:

Thank you, Mr. Enuaraq. Members' statements. Mr. Steen.

Member's Statement 460-13(4): Keewatin Regional Empowerment Pilot Project

MR. STEEN:

Thank you, Mr. Speaker. Mr. Speaker, recently in committee reviews of the departmental mid-year activities the Minister of Municipal and Community Affairs, the Honourable Ms. Thompson, informed the infrastructure committee members that the department was proceeding with what they identified as the Keewatin Pilot Project.

We were advised this project was an extension to the community empowerment initiative and was generally known as regional empowerment. Mr. Speaker, over the past year, this Assembly went through the procedures of approving amended version of the document known as Footprints 2. Mr. Speaker, to my

recollection, nowhere in the document was there a reference to a regional empowerment pilot project, which in fact would be a form of regional type government.

Mr. Speaker, it is a well known fact that the Nunavut Implementation Commission was given the mandate to design and implement a form of government for Nunavut.

Mr. Speaker, the Government of the Northwest Territories as always maintained that they are only advisors to the Nunavut Implementation Commission as to what the final structure of Nunavut government would look like. This government on a number of occasions have clearly stated that we, as a government, do not have the mandate to create or design a government structure for Nunavut. This government has confirmed that the Nunavut Implementation Commission and the Interim Commissioner have this mandate.

Therefore, Mr. Speaker, at the appropriate time today, I will be asking the Minister of Municipal and Community Affairs, the Honourable Ms. Thompson, why her department feels it is necessary to design and proceed with plans for a regional type of government for the Keewatin Region at this time? And which is generally known as regional empowerment? Thank you, Mr. Speaker.

MR. SPEAKER:

Thank you, Mr. Steen. Members' statements. Mr. Arlooktoo.

Member's Statement 461-13(4): High Cost of Living

HON. GOO ARLOOKTOO:

Thank you, Mr. Speaker. My colleagues and I have given the highest priority to ensuring that division occurs as smoothly as possible and have devoted a great deal of time and energy on this issue. I strongly believe that this effort is imperative to ensure that the interests of all residents are met in the creation of two new territories. I also believe it is important to step back occasionally and to listen to what other issues our constituents consider important. Mr. Speaker, recently my constituents have reminded me of what those issues are. In recent constituency meetings and most recently during a phone-in show I conducted in Cape Dorset yesterday evening, I asked them what the most important issue was to them. What is the one issue that concerns them the most in their lives?

I heard people saying it was the daily struggle of keeping their families and paying bills is the most pressing issue. The high cost of living, the lack of jobs particularly in the eastern Arctic was by far the most important issue to them. This is the same thing in three communities that I represent, in Cape Dorset, Kimmirut and Sanikiluaq. With unemployment problems and families with many mouths to feed within their large families and few income earners, it comes as no surprise that people are concerned by the increase in pressure of trying to put food on the table.

For example, I heard concerns about the recent announcement by NAV Canada of user fees on freight rates. I know at this point it is unclear as to what effect this will have on the costs, and my constituency is worried. I know Minister Antoine shared this concern and had expressed them to NAV Canada. In support of Mr. Antoine, I have also met with the president of NAV Canada in Ottawa.

Another issue raised is the cutting of the federal government food/mail program. My constituents rely on this critical and important program to subsidize the high cost of food in the area. It is another issue that requires our attention. Mr. Speaker, I believe as we deal with the pressing and urgent issues around the region, we must continue to pay attention to other important issues raised by our constituents. Thank you.

MR. SPEAKER:

Thank you, Mr. Arlooktoo. Members' statements. Ms. Thompson.

Member's Statement 462-13(4): Repulse Bay Church Re-opening

HON. MANITOK THOMPSON:

(Translation) Thank you, Mr. Speaker. I am going to be speaking in Inuktitut. In Repulse Bay this coming Sunday, the church will have an opening and I would like to thank those involved in building the extension of this church. I used to live in Repulse Bay 20 years ago and I was one of the people that founded this church with Paul Suisarnaq, and I am sorry I cannot join them in their celebration. But I will be sending a certificate and Sheldon will be presenting this. May God bless them. Thank you. (Translation ends)

MR. SPEAKER:

Thank you, Ms. Thompson. Members' statements. Mr. Ootes.

Member's Statement 463-13(4): Measures to Curb Violence in Downtown Yellowknife

Page 1496

MR. OOTES:

Thank you, Mr. Speaker. A lot of attention is being paid to the issue of violence in Yellowknife's downtown core. The public perception is that crime is on the rise. The Royal Canadian Mounted Police say that is not so and are able to support that position and statement. But more and more people are paying attention to the problem, and a number of Yellowknife citizens, agencies and businesses are expressing concern and getting involved to solve the problem.

The RCMP are doing what they can with more visibility and presence on the streets. A late night drive around town proves that. There seems to be a police car at every corner. The city also has a role to play. It could, for instance, improve lighting in some parts of downtown and possibly deploy by-law enforcement officers during weekend closing hours of bars. The city's Works and Public Safety Committee has held meetings to discuss the pros and cons of a curfew by-law and another meeting of that committee is planned for October 16th.

This issue requires the attention of all citizens, and we, in the territorial government, also have a role to play. I am sure it is no surprise to anyone that a lot of the problems stem from alcohol consumption. The Government of the Northwest Territories controls liquor licensing and inspection. My question is, are we doing enough in that area? I am told enforcement of existing liquor laws is weak. I feel our inspectors should have a more visible presence and clamp down on liquor violations. Licensed establishments agree to play by our rules when they are granted a license, but if no one is around to enforce the rules, who is to say those rules are observed all the time? Inspectors doing their jobs more vigorously would cut down on excessive drinking and making sure existing laws are enforced and would also send a message that this government would not tolerate violence, especially that provoked by alcohol. Thank you, Mr. Speaker.

MR. SPEAKER:

Thank you, Mr. Ootes. Members' statements. Mr. Erasmus.

Member's Statement 464-13(4): Tax Credit Investment Program

MR. ERASMUS:

Thank you, Mr. Speaker. Mr. Speaker, last year the Standing Committee on Government Operations set up an Investment Search Subcommittee. I was a member of that Investment Search Subcommittee, and we travelled to the Atlantic provinces to share information and ideas. Because of that trip, the Government Operations Committee made several recommendations for new programs to use dollars other than Government of the Northwest Territories' dollars to stimulate business activity across the north. One recommendation, of course, was the Aurora Fund, which is an immigrant investor fund. This fund has raised about \$35 million and is now providing loans to northern businesses. The Aurora Fund 2, I cannot remember the name, will raise another \$30 to \$35 million. As Chairman of the committee that recommended this fund, I have been keeping up-to-date, and I am confident that things are running smoothly.

Another recommendation that the committee made was the Tax Credit Investment Program. We suggested the name of NORTHITIP, which I believe stood for Northwest Territories Tax Incentive and Investment Program. The idea would be for people to buy shares in the funds which would be invested in businesses. The investors would get Northwest Territories personal on income tax credits and could also claim investments as RRSPs. There are several advantages to a program like this. It would allow Northwest Territories businesses to get equity risk capital in the Northwest Territories that will allow new businesses to start up and existing businesses to expand. A national consequence of that, of course, new jobs are created and old jobs are sustained. It would also help the Northwest Territories' economy to diversify and expand while GNWT dollars are used for social programs instead for economic activity.

Finally, the people investing would get tax breaks thus, they would get more money back from income taxes which would be put back into the system. We are told that every year, Northwest Territories residents invest over \$25 million in RRSPs. That money is currently invested in the south. Mr. Speaker, I request consent to complete my statement.

MR. SPEAKER:

The Member for Yellowknife North seeks unanimous consent to complete his statement. Do we have any nays? There are no nays. Mr. Erasmus, you have unanimous consent.

MR. ERASMUS:

Thank you, Mr. Speaker. Currently over \$25 million is invested in the north every year in RRSPs, which is invested in the south. Our recommendation would be to keep some of that money in the north. The representatives of the Atlantic Provinces that we spoke to told us that their programs are working very well over there. They could see no reason why it should not work over here as well. Mr. Speaker, the Tax Credit Investment Program is a good idea that should not die. At the appropriate time, I will be asking the appropriate Minister questions on this. Thank you.

MR. SPEAKER:

Thank you, Mr. Erasmus. Members' statements. Item 4, return to Oral questions. Mr. Todd.

ITEM 4: RETURNS TO ORAL QUESTIONS

Return to Oral Question 585-13(4): Marketing the Aurora Fund

HON. JOHN TODD:

In return to an oral question asked by Mr. Picco regarding the Aurora Fund. The Aurora Fund Investment guidelines are established to ensure there is no conflict of interest on the part of the fund manager. All Aurora Fund loan applications are made to fund manager, Mr. Roland Bailey. He conducts an initial assessment to ensure the project is eligible for investment under the federal regulations. If it is consistent with the regulations, he repairs a loan documentation, similar to that prepared by a bank loan and provides that documentation to the Aurora Fund's Investment Sub-Committee.

This committee is made up of three members of the Aurora Fund's Board of Directors who are all independent of government and the fund manager. Before the Board of Directors can approve any loan, the Investment Sub-Committee must recommend the loan for approval. Neither the Board of Directors, nor the fund manager has any recourse if the Investment Sub-Committee does not approve a loan. This segregation of responsibility and authority between the fund manager, Investment Sub-Committee and the Aurora Fund

Page 1497

Board addresses any concerns over the possible conflict of interest. Thank you.

MR. SPEAKER:

Return to oral questions. Item 5, recognition of visitors in the gallery. Mr. Arlooktoo.

ITEM 5: RECOGNITION OF VISITORS IN THE GALLERY

HON. GOO ARLOOKTOO:

Thank you, Mr. Speaker. It is my pleasure to introduce two constituents from Kimmirut, Danny Pitsiulak, and my brother, Kip Arlooktoo.

MR. SPEAKER:

Welcome to the Assembly. Recognition of visitors in the gallery. Mr. Ng.

HON. KELVIN NG:

Thank you, Mr. Speaker. I would like to recognize a constituent from Cambridge Bay, Mr. Murray Parson, who is the superintendent of FMBS. Thank you.

--Applause

MR. SPEAKER:

Welcome to the Assembly. Recognition of visitors in the gallery. Mr. Krutko.

MR. KRUTKO:

Thank you, Mr. Speaker. Mr. Speaker, I would like to recognize Pat Thomas from the NWTTA. Hi Pat.

--Applause

MR. SPEAKER:

Welcome to the Assembly. Recognition of visitors in the gallery. Item 6, oral questions. Mr. Roland.

ITEM 6: ORAL QUESTIONS

Question 635-13(4): Employee Records of Employment

MR. ROLAND:

Thank you, Mr. Speaker. Mr. Speaker, as you heard in my Member's statement my concern for employees

and their records of employment when they are let go by this government. Mr. Speaker I have received a number of calls over the summer where employees of this government are still waiting for their records of employment. The most people who feel that impact are those ones that would stay in the community and would need to go and apply for Unemployment Insurance. My question would be directed to the Minister responsible for FMBS. Could the Minister tell us what is the time line for the government to deal with records of employment? Thank you.

MR. SPEAKER:

The Minister responsible for the Financial Management Board, Mr. Todd.

Return to Question 635-13(4): Employee Records of Employment

HON. JOHN TODD:

Thank you, Mr. Speaker. Mr. Speaker, let me apologize to my honourable colleague if there have been any members of his constituency who have had to wait for several months for their record of employment. That is not common practice. Common practice is that it is supposed to be done within a 30 to 60 day time cycle. I will look into the matter specifically about the people in Inuvik and see if there are any outstanding issues there and if there are, we will correct them accordingly. So once again, Mr. Speaker, if we have made any errors, and I suppose we have, I want to apologize to my honourable colleague for his constituents.

MR. SPEAKER:

Thank you. Oral questions. Mr. Roland.

Question 635-13(4): Employee Records of Employment

MR. ROLAND:

I would like to thank the Minister for that response. I think the majority of them have been taken care of somewhat late, mind you. Can the Minister inform me if his department is responsible for that duty for all of the departments of the government? Thank you.

MR. SPEAKER:

Mr. Todd.

Return To Question 635-13(4): Employee Records of Employment

HON. JOHN TODD:

Thank you, Mr. Speaker. Mr. Speaker, my understanding is that we are responsible for the record of employment for all employees. It may have been that there was a significant amount of layoffs earlier in the year, perhaps somewhat more unusual, more than we have ever dealt with before. That may have been the reason why there was such a delay in some of my honourable colleagues' constituents getting their documentation. That is not an excuse. We are responsible and as I have said earlier when I responded to his first question, I apologize for any delay.

MR. SPEAKER:

Thank you. Oral question. Mr. Steen.

Question 636-13(4): Keewatin Regional Empowerment Pilot Project

MR. STEEN:

Thank you, Mr. Speaker. Mr. Speaker, as I outlined in my Member's statement I have a question for the Minister of MACA, Ms. Thompson, in regards to what is been identified to the committee as the Keewatin Pilot Project. I wonder if the Minister could give us a brief explanation of exactly what this project consists of.

MR. SPEAKER:

The Minister responsible for Municipal and Community Affairs, Ms. Thompson.

Return To Question 636-13(4): Keewatin Regional Empowerment Pilot Project

HON. MANITOK THOMPSON:

Thank you, Mr. Speaker. Mr. Speaker, Keewatin Pilot Project is a proposal to the Keewatin mayors and the Keewatin Pilot Project is a comprehensive proposal to transfer the management, maintenance and operation of all community based infrastructure to Keewatin community governments. The pilot project proposal was first introduced to the Keewatin communities at the Kivallivik Leadership Forum held in Repulse Bay on April 15 to 17, 1997. It was also in my Business Plan which was passed last budget through this House. Thank you, Mr. Speaker.

MR. SPEAKER:

Thank you. Oral question. Supplementary, Mr. Steen.

Supplementary Question 636-13(4): Keewatin Regional Empowerment Pilot Project

Page 1498

MR. STEEN:

Thank you, Mr. Speaker. Mr. Speaker, considering that this government has basically agreed that NIC and the Interim Commissioner is responsible for designing and putting in place the form of government for Nunavut. Has MACA been in touch with the Interim Commissioner or NIC to see if this regional government initiative is in fact complimenting the plans of NIC? Thank you.

MR. SPEAKER:

Ms. Thompson.

Further Return To 636-13(4): Keewatin Regional Empowerment Pilot Project

HON. MANITOK THOMPSON:

Thank you, Mr. Speaker. Mr. Speaker, community empowerment is the priority of this government not the NIC, but we are consulting with the NIC and the Interim Commissioner on any infrastructure transfers which may impact on Footprints 2. So, we have studied Footprints 2 before we did this. This is just at a proposal stage to the Kivallivik mayors. Community empowerment is a priority of this government. This is under the priority of community empowerment. Thank you.

MR. SPEAKER:

Oral questions. Supplementary, Mr. Steen.

Supplementary To Question 636-13(4): Keewatin Regional Empowerment Pilot Project

MR. STEEN:

Thank you, Mr. Speaker. Mr. Speaker, I believe the department is perhaps overextending this community empowerment movement. We are not talking about community empowerment, we are talking about regional empowerment at this point whereby as the Minister identified this government is in fact suggesting turning over all services in the Keewatin

over to this particular proposed regional government structure. Obviously this would have a major impact on Nunavut government if it was in fact put in place. Therefore, I am wondering whether or not this department considers it appropriate since Nunavut is going to be a reality in eighteen months. Is it appropriate that we at this time are introducing a new form of government that they have not even discussed at NIC or the Interim Commissioner level? Thank you.

MR. SPEAKER:

Ms. Thompson.

Further Return To Question 636-13(4): Keewatin Regional Empowerment Pilot Project

HON. MANITOK THOMPSON:

Thank you, Mr. Speaker. Mr. Speaker, there seems to an understanding that this is a regional government we are forming. This is not a regional government. This does not have law making authority, so it is not a regional government. This is what the mayors of the communities want in the Keewatin. We are also proposing this pilot project to the Beaufort Delta communities. This is what we have heard from the communities of Keewatin that they would rather have community transfers done to the whole region instead of each individual community which is already happening across the Northwest Territories. Thank you.

MR. SPEAKER:

Final supplementary, Mr. Steen.

Supplementary To Question 636-13(4): Keewatin Regional Empowerment Pilot Project

MR. STEEN:

Thank you, Mr. Speaker. Mr. Speaker, the Minister referred to this particular type of government being proposed for the Beaufort communities as well. Mr. Speaker, I would like to point out here that district type governments which is in fact what we are talking about here, were proposed in the Bourque Commission and would have been applicable only to the Western Territory. The Bourque Commission did not apply to the Nunavut government as NIC had the mandate to design that government. So therefore, I do not think there is any comparison here where you could compare what is happening in the Beaufort to setting up a regional government in the Kitikmeot.

Therefore, I would like to ask the Minister, would her department consider approaching NIC or the Interim Commissioner to assure that this project has, in fact, their blessing and that this government does not get stuck with all the costs of implementing this thing? Obviously this is some form of transitional government movement. Thank you.

MR. SPEAKER:

Ms. Thompson.

Further Return To Question 636-13(4): Keewatin Regional Empowerment Pilot Project

HON. MANITOK THOMPSON:

Thank you, Mr. Speaker. Mr. Speaker, this is not a form of a regional government. It is not. It is just a coordinated way of transferring infrastructure instead of transferring into each community which is already happening across the Northwest Territories. The mayors got together and thought it would be more of a coordinated approach to do it as a region. We are not developing a regional government, and yes, the Interim Commissioner of Nunavut will be consulted on any infrastructure transfer which may impact on Footprints 2. This is not a regional government. It is a better way of doing things. Thank you.

MR. SPEAKER:

Oral questions. Mr. Erasmus.

Question 637-13(4): Tax Credit Investment Program

MR. ERASMUS:

Thank you, Mr. Speaker. Mr. Speaker, my question is for the Minister of Finance. In regards to the investment package recommended to the Minister last year by the Standing Committee on Government Operations and specifically on the tax credit program that I referred to in my statement. Mr. Speaker, I have met with the Minister on this subject earlier, a couple of times. I also asked about it in committee meetings, and I was assured that things were progressing. At this time I would like to know what is happening with the investment tax credit program which we had referred to in our report as NORTHIIP.

MR. SPEAKER:

The Minister of Finance, Mr. Todd.

Return To Question 637-13(4): Tax Credit Investment Program

HON. JOHN TODD:

Thank you, Mr. Speaker. Mr. Speaker, first of all let me thank my honourable colleague, Mr. Erasmus for actually providing my department and myself with some direction on some of these new initiatives. As he said earlier, the Aurora Fund which we have just completed and we are on to Aurora Fund 2. On this initiative with respect to the tax incentive for small business we are developing a proposal as we speak. We are checking out what we think the net numbers will be in relationship to how much the tax credit is

Page 1499

going to cost us and what is the return on investment for it. Should we decide to proceed, we will need to bring in some legislation which will have to be fast tracked. I am optimistic at this early stage, although I have not done a complete analysis, but I am optimistic that we are going to get federal government approval because we have to get that to get Revenue Canada to assist us in this process. With committee and legislative support we may be able to incorporate this into our budget in early January and move expeditiously to pass the legislation that is necessary for this important initiative to unfold. Thank you.

MR. SPEAKER:

Oral questions. Supplementary, Mr. Erasmus.

Supplementary To Question 637-13(4): Tax Credit Investment Program

MR. ERASMUS:

Thank you, Mr. Speaker. Mr. Speaker, would it be possible to get together with the Investment Sub-Committee and the Minister to see how to proceed on this matter?

MR. SPEAKER:

Mr. Todd.

Further Return To Question 637-13(4): Tax Credit Investment Program

HON. JOHN TODD:

Thank you, Mr. Speaker. Mr. Speaker, well suddenly the initial partnership approach which we took with

respect to analyzing other jurisdictions and how it would impact our constituency was a very effective one, particularly with the Aurora Fund. I would be only too happy to join with my colleague and the other colleagues to see if we could map out a strategy, assuming once we have done the financial analysis that it is in our best interest to conclude a strategy and to bring this new initiative into place early in the new year. Thank you.

MR. SPEAKER:

Oral questions. Supplementary, Mr. Erasmus.

Supplementary To Question 637-13(4): Tax Credit Investment Program

MR. ERASMUS:

Thank you, Mr. Speaker. Mr. Speaker, in regard to another recommendation from the investment package, there seems to be some concerns about the Aurora Fund. I wonder if the Minister would arrange for the Ordinary Members to have an update on the Aurora Fund and the new fund as well.

MR. SPEAKER:

Mr. Todd.

Further Return To Question 637-13(4): Tax Credit Investment Program

HON. JOHN TODD:

Thank you, Mr. Speaker. Mr. Speaker, I did try to clarify my return to oral question the day some of the concerns were raised by my honourable colleague, Mr. Ootes and my other honourable colleague, Mr. Picco. Yes. I have actually written to all Members of the House and asked them if they would like a briefing. When I get their responses, we will bring everybody up-to-date, assure them and try to answer whatever concerns. Of course, we will take any praise that they may wish to heap on us for the success of this program. Thank you.

MR. SPEAKER:

Thank you. Oral questions. Mr. Rabesca.

Question 638-13(4): Improvements to Highway 3

MR. RABESCA:

Thank you, Mr. Speaker. Mr. Speaker, earlier during my Member's statement I talked about the improvements that have been completed on Highway 3. It is my understanding that we will not be able to enjoy a totally paved Highway 3 from Fort Providence to Rae Access Road until next spring. I would like to ask the Minister responsible for the Department of Transportation, the Honourable Mr. Antoine, if this is true.

MR. SPEAKER:

The Minister of Transportation, Mr. Antoine.

Return To Question 638-13(4): Improvements to Highway 3

HON. JIM ANTOINE:

Mahsi, Mr. Speaker. Mr. Speaker, it is true that the contractors were unable to finish about nine kilometres of the chip sealing between Kilometre 145 and 154 between Rae/Edzo and Fort Providence. It is incomplete. The contractors ran into some weather conditions. It was very wet this summer and they were unable to complete that section because of the lateness in the year. The intention here is to come back next summer or early next spring and complete that section and finish the chip sealing. Thank you.

MR. SPEAKER:

Oral questions. Supplementary, Mr. Rabesca.

Supplementary To Question 638-13(4): Improvements to Highway 3

MR. RABESCA:

Thank you, Mr. Speaker. Mr. Speaker, I would also like to ask the Minister, are the funds for the completion of this section in place and will they be there for the next construction season? Thank you, Mr. Speaker.

MR. SPEAKER:

Thank you. Two questions. Mr. Antoine.

Further Return To Question 638-13(4): Improvements to Highway 3

HON. JAMES ANTOINE:

Thank you, Mr. Speaker. Mr. Speaker, in this project there was some competition so the company that is

responsible for building this road was the lowest bidder. It is in the contract to complete the road, and yes, as part of the conditions of the contract, he has to finish this section of the road. Thank you.

MR. SPEAKER:

Thank you. Oral questions. Mr. Enuaraq.

Question 639-13(4): Pangnirtung School Construction

MR. ENUARAQ:

(Translation) Thank you, Mr. Speaker. I will be speaking in Inuktitut. Earlier last spring the school in Pangnirtung burnt down to the ground. My question to the Minister of Education, Culture and Employment concerns the construction of a new school. I would like to know how well this construction is going. Thank you, Mr. Speaker. (Translation ends)

Page 1500

MR. SPEAKER:

The Minister responsible for Education, Culture and Employment, Mr. Dent.

Return To Question 639-13(4): Pangnirtung School Construction

HON. CHARLES DENT:

Thank you, Mr. Speaker. Mr. Speaker, as far as I am aware, the construction is pretty well on target. The expectation is that the school will be ready for occupancy some time in the fall of 1998. Thank you, Mr. Speaker.

MR. SPEAKER:

Oral questions. Mr. Miltenberger.

Question 640-13(4): Activities of the Council of Ministers of Education

MR. MILTENBERGER:

Thank you, Mr. Speaker. My question is addressed to the Minister of Education, Culture and Employment. It is in relation to the Minister's statement he made today on the activities of the Council of Ministers of Education for Canada. As he points out, he raises number of issues of concern to the Northwest Territories. He states that public concern about how to improve accountability in the education system is

growing. Could the Minister elaborate on the general thrust of how the Ministers intend to address that critical issue? Thank you.

MR. SPEAKER:

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

Return To Question 640-13(4): Activities of the Council of Ministers of Education

HON. CHARLES DENT:

Thank you, Mr. Speaker. Mr. Speaker, as Members of this House will know the Northwest Territories participates in the School Achievement Indicators Program, which is administered by CMEC. That is the primary area in which we participate with them on accountability measures. The results from the last round of testing should be released in December or January this winter. The Northwest Territories will be participating in the next round of testing in three subject areas, one per year starting next spring. Thank you, Mr. Speaker.

MR. SPEAKER:

Thank you. Oral questions. Supplementary, Mr. Miltenberger.

Supplementary To Question 640-13(4): Activities of the Council of Ministers of Education

MR. MILTENBERGER:

Thank you, Mr. Speaker. The Minister also raises the issue of improving student achievement in key subjects is another key area of interest. Could the Minister elaborate on how that is going to be approached, which is another issue of great significance to the students and people of the Northwest Territories? Thank you.

MR. SPEAKER:

Mr. Dent.

Further Return To Question 640-13(4): Activities of the Council of Ministers of Education

HON. CHARLES DENT:

Thank you, Mr. Speaker. Mr. Speaker, as I mentioned in my statement earlier today, one area in which we are moving is to work with other jurisdictions to

establish key standards or expectations for student achievement. For instance, we will be unveiling on the 15th of October, pan-Canadian standards in the area of science. It will give all jurisdictions across Canada, certain levels of knowledge that students should achieve at different grades. That allows each of the jurisdictions to then tailor their curriculum to ensure students can demonstrate success in those areas.

We have also participated with the western consortium which is the four western provinces and the Yukon, to develop a common math curriculum which is being implemented this year in the Northwest Territories. We continue to work with other jurisdictions on developing common curriculum and expectations, so we can demonstrate portability in that people can move from one jurisdiction to another and ensure not only educators, but the public have a clear understanding of what students are expected to know at each level of school. Thank you, Mr. Speaker.

MR. SPEAKER:

Oral questions. Supplementary, Mr. Miltenberger.

Supplementary To Question 640-13(4): Activities of the Council of Ministers of Education

MR. MILTENBERGER:

Thank you, Mr. Speaker. Finally, the Minister raises the issue of student financial assistance and the increasingly crushing debt load that students have to bear in getting an education. Could the Minister indicate the strategy that is in place other than calling on the federal government to pay its fair share? Is there something else or is that the only approach being taken? Thank you.

MR. SPEAKER:

Mr. Dent.

Further Return To Question 640-13(4): Activities of the Council of Ministers of Education

HON. CHARLES DENT:

Thank you, Mr. Speaker. As Members will know, I have appointed a ministerial forum to consult with residents of the Northwest Territories and report back to me with recommendations for redesigning the Student Financial Assistance Program. Our program right now is the most generous in Canada. It means

that our students typically, have a lower debt load than students in other jurisdictions upon graduation.

The federal government needs to recognize that we have taken the position that we are willing to put more money into student financial assistance and one of the reasons we have withdrawn from the Canada Student Loan Program is so we could, in fact, treat our students differently. If the federal government is going to contribute to decreasing student debt load across Canada, they have a commensurate obligation to recognize the contribution this government is currently making to keep student debt loads down and to compensate us if they are going to also do so in other provinces. The major thrust is that we go after the federal government. I cannot speak to what the redesigned student financial assistance program might look like because I will be coming back to this House with suggestions after I get the results from the ministerial forum, probably in early November. Thank you, Mr. Speaker.

Page 1501

MR. SPEAKER:

Oral questions. Final supplementary, Mr. Miltenberger.

Supplementary To Question 640-13(4): Activities of the Council of Ministers of Education

MR. MILTENBERGER:

Thank you, Mr. Speaker. Could the Minister also elaborate on his one phrase about the transitions for youth from education to work? What exactly is being looked at in that area? That is another critical area for us. Thank you.

HON. CHARLES DENT:

Mr. Dent.

Further Return To Question 640-13(4): Activities of the Council of Ministers of Education

HON. CHARLES DENT:

Thank you, Mr. Speaker. Mr. Speaker, this refers to the problem that we have often paraphrased as no experience and therefore, no job. Too often young people just coming out of school or college are in a situation where they do not have any experience, and therefore, employers are reluctant to take them on. A clear example that this government has undertaken

recently was the Northern Employment Strategy, wherein we offered the program that evolved, a support for transition from school to work by subsidizing wages for students and young people. Similar types of initiatives are being discussed around the ministerial table. We are looking at areas in which we can make recommendations to the federal government to participate in programs like this. The federal government does, by the way, have a similar program, but we are looking at ways to expand that sort of program and to share examples of best practices that will work in other jurisdictions across Canada. Thank you, Mr. Speaker.

MR. SPEAKER:

Thank you. Oral questions. Mr. Krutko.

Question 641-13(4): Pay Equity Dispute

MR. KRUTKO:

Thank you, Mr. Speaker. My question is to the Minister of Finance. It is in regard to pay equity. A number of my constituents have asked me to put the question, is when will the cheques be in the mail and how soon will they be receiving them?

MR. SPEAKER:

The Minister of Finance, Mr. Todd. Two questions.

Return To Question 641-13(4): Pay Equity Dispute

HON. JOHN TODD:

Well, Mr. Speaker, I would like the cheques to be in the mail. I have said that consistently. I would like to reach an arrangement on the pay equity. But I have said consistently that pay equity has to be an affordable issue. We are in sensitive negotiations right now or will be in the not too distant future with the UNW to try to reach some resolve on that very issue. Thank you.

MR. SPEAKER:

Oral questions. Supplementary, Mr. Krutko.

Supplementary To Question 641-13(4): Pay Equity Dispute

MR. KRUTKO:

Thank you, Mr. Speaker. A question of timing, where it is October now, and I am just wondering if the

cheques will be received before Donny Days, which I believe is about three months away? Is there a possibility that we are looking at that time lag or is it three months away? Will there be anything in the Christmas stockings this year or do we have to wait until next year?

MR. SPEAKER:

Mr. Todd.

Further Return To Question 641-13(4): Pay Equity Dispute

HON. JOHN TODD:

I understand that this has been a long, drawn out issue, by previous governments and this one. There is a genuine attempt here to try to reach an arrangement in a partnership with the UNW. Now, I am going to tell you, and I am going to make a speech about it on Tuesday or Wednesday. I do not think anybody in this House wants this governments to go out there laying off 300 and 400 employees. We have to ensure that the affordability issue is clear, front and centre when we get to the negotiating table because there is no breathing space in our fiscal framework. Yes, we have balanced the budget. Yes, we maybe have a \$9 or \$12 million surplus. That is one percent of our total budget. That could go in one or two days. So I think everybody has to be aware that while we are all relieved that the budget is balanced, we can get on to doing some other productive work, besides not being as compassionate as we would like.

We have to negotiate this arrangement under, what I call, the fiscal umbrella that we are all living in, to ensure that, one, it is affordable, and two, we do not have any more massive layoffs of employees because it will have to come from somewhere.

I am not prepared to borrow any money and do not have the legislative mandate to do so. Therefore, if there is not a negotiated arrangement reached; we, fundamentally, will have to address what other steps we are going to have to take. It will mean looking at programs and looking at employees.

MR. SPEAKER:

Oral questions. Final supplementary, Mr. Krutko.

Supplementary To Question 641-13(4): Pay Equity Dispute

MR. KRUTKO:

Thank you, Mr. Speaker. I will ask the question again. What type of time frame are we looking at for the individuals that will be receiving funds through the pay equity court decision? What time can my constituency make plans that the cheque is in the mail? Can we do certain things before Christmas?

MR. SPEAKER:

Mr. Todd.

Further Return To Question 641-13(4): Pay Equity Dispute

HON. JOHN TODD:

Look, I can understand my honourable colleague's desire to look for a quick and timely solution. It is simply not there right now. I cannot guarantee when it is going to occur. What I can guarantee him is an honest and genuine effort to reach a negotiated position that this government and this legislature can approve and can afford. When it is going to happen, Mr. Speaker, really depends on the compromises that have to be reached through negotiations with the two parties. Thank you.

Page 1502

MR. SPEAKER:

Thank you. Oral questions, Mr. Picco.

Question 642-13(4): Aurora Fund Marketing

MR. PICCO:

Thank you, Mr. Speaker. Mr. Speaker, in return to oral question on the marketing of the Aurora Fund, I received the investment guidelines which are established, but nothing on the marketing. Thus, my question right now, again, how is the Aurora Fund marketed in the Northwest Territories? Are there ads appearing in papers? Do we have commercials on televisions? On local broadcasts? How do people find out about this fund? Thank you.

MR. SPEAKER:

The Minister of Finance, Mr. Todd.

Return To Question 642-13(4): Aurora Fund Marketing

HON. JOHN TODD:

Thank you, Mr. Speaker. I think I have actually said earlier today and I will say again, I have offered a full briefing to my colleagues in the House with respect to the Aurora Fund, and I think when we do that full briefing, we can give them the details of how we are marking in it, how it functions and the rules and regulations which it is under. I would prefer if my honourable colleague would bear with me, as he frequently does, and put his name forward for the full briefing. I am sure we will at the end of the day be able to answer all these problems, enlighten him on the roaring success of the Aurora Fund and answer his question in relationship to marketing.

MR. SPEAKER:

Oral questions. Supplementary, Mr. Picco.

Supplementary To Question 642-13(4): Aurora Fund Marketing

MR. PICCO:

Thank you, Mr. Speaker. Mr. Speaker, I am sure that the Aurora Fund is very successful and has raised \$25 million. We are going to go back out to the public. That is not my concern. The briefing is great, but I will get this information in the briefing. But I do not appear nationally, internationally or even territorially on the news media and have advertisement placed. I will not be able to promote it that well. What I am asking is what are the promotion tools that this government is using to market the fund? That is a simple question. Are we advertising? I do not see advertising appear. How do people in Iqaluit, Clyde River, Lutselk'e, how do we find out about this fund? Thank you, Mr. Speaker.

MR. SPEAKER:

Mr. Todd.

Further Return To Question 642-13(4): Aurora Fund Marketing

HON. JOHN TODD:

Thank you, Mr. Speaker. I believe my honourable colleague alludes to this as a government fund. Mr. Speaker, this is not a government fund. Thank you.

MR. SPEAKER:

Oral questions. Supplementary, Mr. Picco.

Supplementary to Question 642-13(4): Aurora Fund Marketing

MR. PICCO:

Thank you, Mr. Speaker. No, Mr. Speaker, I did not say it was a government fund. It was set up by the government, was facilitated by the government, but we have a hands off way of dealing with it, I understand from Mr. Todd in this House. That is fine, but it still does not answer the question of marketing. How do you promote this fund? How do people find out about this fund? Letting me have a briefing with other MLAs does not promote the fund. So if there is a person in Clyde River or Hall Beach or Iqaluit who wants to access this fund, where do they go to get an application? Is there a toll free line to that? Is there an ad appearing in the paper? Again, I am asking how do you promote the fund? Thank you.

MR. SPEAKER:

Mr. Todd.

Further Return To Question 642-13(4): Aurora Fund Marketing

HON. JOHN TODD:

Yes, Mr. Speaker. I allude to my honourable colleague that I would provide him with that when we do the full briefing. Thank you.

MR. SPEAKER:

Oral questions. Final supplementary, Mr. Picco.

Supplementary To Question 642-13(4): Aurora Fund Marketing

MR. PICCO:

Thank you, Mr. Speaker. Then I would suggest to Mr. Todd that the briefing be broadcast live on television and radio that we have photo journalists in there to take pictures. No, Mr. Speaker, seriously how do you market the fund? Are we having ads? Is there a promotional budget provided by the Board of Directors of the fund. I think it is a simple question. I am not trying to cause any problems here or anything else. I have a return of an oral question and my question is on the marketing of the fund. I get the guidelines of the fund. It is a simple question, Mr. Speaker. How are you marketing the fund? It is not a briefing with MLAs in the Caucus room. Thank you.

MR. SPEAKER:

Mr. Todd.

Further Return To Question 642-13(4): Aurora Fund Marketing

HON. JOHN TODD:

Well, my understanding Mr. Speaker, is that it is standard practice if we need to give a full and detailed briefing on the marketing of the fund and the conditions of the fund that we write to the MLAs asking if they wish to be participants in the briefing and that is what we intend to do. I am not trying to avoid the question you know, but I am just saying we give them a full briefing, and I think at that time they will be able to ask the questions in the House. By that time I would hope my honourable colleague would be much more knowledgeable and ask as he frequently does the serious questions relating to the activities of this House.

MR. SPEAKER:

Oral questions. Mr. O'Brien.

Question 643-13(4): Keewatin Regional Empowerment Pilot Project

MR. O'BRIEN:

Thank you, Mr. Speaker. Mr. Speaker, my question is to the Minister responsible for Municipal and Community Affairs. Following upon questions of Mr. Steen regarding the proposed Keewatin Mayors Society, I would like to know how many mayors in the Keewatin would have to buy into this proposal before it can move forward.

Page 1503

MR. SPEAKER:

The Minister responsible for Municipal and Community Affairs, Ms. Thompson.

Return to Question 643-13(4): Keewatin Regional Empowerment Pilot Project

HON. MANITOK THOMPSON:

Thank you, Mr. Speaker. This is just a proposal. It is at a proposal stage and the mayors will be meeting again in Whale Cove where the proposal will be put forward again, and at that time we will know how

many mayors have bought into this, but we are not trying to buy anybody. Thank you, Mr. Speaker.

MR. SPEAKER:

Oral questions. Supplementary, Mr. O'Brien.

Supplementary To Question 643-13(4): Keewatin Regional Empowerment Pilot Project

MR. O'BRIEN:

Thank you, Mr. Speaker. Mr. Speaker, I will go back and check the Hansard, but I thought I heard the Minister say that the mayors had already agreed to this proposal. My next question then would be what is the cost of this proposal?

MR. SPEAKER:

Ms. Thompson.

Further Return To Question 643-13(4): Keewatin Regional Empowerment Pilot Project

HON. MANITOK THOMPSON:

Thank you, Mr. Speaker. This is at a proposal stage and the cost is only a person travelling over there to do a presentation of the proposal. Thank you, Mr. Speaker.

MR. SPEAKER:

Oral questions. Mr. Ootes.

Question 644-13(4): Liquor Inspections

MR. OOTES:

Thank you, Mr. Speaker. Earlier today I spoke about the problems in Yellowknife and particularly in my constituency of downtown violence. A lot of focus is on the police here in Yellowknife, and they deserve praise for enduring diligently throughout all of this publicity and attention. They certainly could use more resources to tackle the problems. But at the same time in Yellowknife, the Committee of Public Works and Safety is meeting, and citizens are discussing the merits of a curfew by-law. But it needs focus from more than just those agencies. We, in the Government of the Northwest Territories, also need to look for possible solutions. My question is for the Minister responsible for the Liquor Licensing Board and it is a question regarding liquor inspectors. Could

the Minister tell us how many liquor inspectors there are in Yellowknife?

MR. SPEAKER:

The Minister responsible for the Liquor Licensing Board, Mr. Todd.

Return To Question 644-13(4): Liquor Inspections

HON. JOHN TODD:

Thank you, Mr. Speaker. If my memory serves me correctly, I believe there are two liquor inspectors in Yellowknife that are now contracted to do the inspections. Thank you.

MR. SPEAKER:

Thank you. Supplementary, Mr. Ootes.

Supplementary To Question 644-13(4): Liquor Inspections

MR. OOTES:

Yes. Does the Minister have an indication of how frequently they do inspections of the downtown liquor establishments?

MR. SPEAKER:

Mr. Todd.

Further Return To Question 644-13(4): Liquor Inspections

HON. JOHN TODD:

Yes, Mr. Speaker. It is important to qualify my comment as to why we have gone to a contractual arrangement. The reason is because most of the inspections are now done in the evening under cover by plainclothes inspectors and covert operations. Last year I believe it was somewhere around 440 to 450 inspections.

MR. SPEAKER:

Oral questions. Supplementary, Mr. Ootes.

Supplementary To Question 644-13(4): Liquor Inspections

MR. OOTES:

Thank you. Does the Minister feel that this is acceptable considering how many perhaps charges or prosecutions were laid from these inspections?

MR. SPEAKER:

Mr. Todd.

Further Return To Question 644-13(4): Liquor Inspections

HON. JOHN TODD:

I think this is recognition, as Mr. Ootes said earlier, that we need to play a role along with the Royal Canadian Mounted Police and along with the citizens of Yellowknife who are concerned about what may appear to be some growing imbalance that alludes to alcohol. I think my understanding again is that there was only one actual court case last year with respect to the 450 inspections that were done. But I do recognize that we need to work closely with the law authorities on this issue. I have been speaking with my deputy minister on this issue and discussions will be on the way shortly to see if there is some way we can complement what is going on in respect to what the RCMP and others were doing.

MR. SPEAKER:

Thank you. Oral questions. Final supplementary, Mr. Ootes.

Supplementary To Question 644-13(4): Liquor Inspections

MR. OOTES:

Thank you, Mr. Speaker. I wonder if the Minister could expedite this imminently so that this is done in concert with other efforts being made in town. It is a very critical problem and if necessary, could he also look at the possibility of adding resources to this liquor inspector resources if necessary?

MR. SPEAKER:

Mr. Todd.

Further Return To Question 644-13(4): Liquor Inspections

HON. JOHN TODD:

Thank you, Mr. Speaker. It is important to point out that most violent infractions occur, most I say, occur after the establishment is closed. I think that is an

Page 1504

important distinction here. As I said, we recognize the seriousness of the issue. My fiscal resources are just as tight as any of the other Ministers, and I would prefer this time that we continue with our discussions with the different parties involved in this serious issue and hopefully try to find a result that is fiscally affordable and meets the requirements of the citizens of Yellowknife. Thank you.

MR. SPEAKER:

Thank you. Oral questions. Mr. Roland.

Question 645-13(4): Civil Servant Workloads

MR. ROLAND:

Thank you, Mr. Speaker. Mr. Speaker, dealing with employees as I stated in my Member's statement about the workload that we have given our employees since we have reduced a lot of positions, but the same work is being done. My question would be directed to the Premier, and I am wondering if being the leader of this government, he is looking at the role that the government now plays and the roles we put on our employees. Is there any work being done in reducing that workload so they can truly be effective and efficient in their duties? Thank you.

MR. SPEAKER:

Mr. Premier.

Return To Question 645-13(4): Civil Servant Workloads

HON. DON MORIN:

Thank you, Mr. Speaker. We have regulatory reform and are looking at cutting red tape in the government right now. We have started doing that already. We are looking at and talking to our managers about the workload of government employees. I have not had any response back from our managers saying that people are being over worked. In general, they are saying that everyone is putting in a full day's work for full day's pay, and that is what I understand is happening. Thank you.

MR. SPEAKER:

Oral questions. Supplementary, Mr. Roland.

Supplementary To Question 645-13(4): Civil Servant Workloads

MR. ROLAND:

Thank you, Mr. Speaker. I think there will be quite a large number of employees who would beg to argue that they are getting a day's pay for their day of work. I would like to question the Premier again. Has he been aware of any activity since we have gone through lots of reductions of any responsibilities that have been either taken away or reduced? I know there is regulatory reform which hopefully will lighten the workload of a lot of employees, but has there been anything to date on that? We have heard in this House many times about fairness and compassion but have we to date acted on any of that? Thank you.

MR. SPEAKER:

Mr. Morin.

Further Return To Question 645-13(4): Civil Servant Workloads

HON. DON MORIN:

Thank you, Mr. Speaker. As a government we have done many things to change the way the government operates and that reflects on the employee's workload. Just the whole issue of community empowerment alone where decisions are made at the community level now. Some of our communities take away the workload from the regional level up to the senior level in government because the decisions are made at the community level. As well as privatization, that too takes away from workload. In general, Mr. Speaker, I have not heard any complaints from our employees that they are overworked, and I will not say that because I do hear that they are complaining that they are underpaid sometimes but many do. Mr. Speaker, I do not fully understand the concern the Member is raising. If I have specifics that I could respond to, it would be best.

MR. SPEAKER:

Oral questions. Supplementary, Mr. Roland.

Supplementary To Question 645-13(4): Civil Servant Workloads

MR. ROLAND:

Thank you, Mr. Speaker. I will try to be more specific. With the increased workload that is placed on employees because they have to take on extra responsibilities that other bodies used to take on, is there more training being allotted for employees who take on new tasks and increase their responsibilities in the areas they are taking over? For example, we will use FMBS where we seemingly have a large amount of work with a small amount of staff or something in that area that is why we are falling behind in the area of records and employment. Is there more training being made available to employees? Thank you.

MR. SPEAKER:

Mr. Morin.

Further Return To Question 645-13(4): Civil Servant Workloads

HON. DON MORIN:

Thank you, Mr. Speaker. Yes, that is happening, once we have gone through this phase of downsizing and reorganization and making the government more effective and more efficient, which we have done as well as balancing our budget in the previous two years. There is a major initiative now by all the departments to look at what they are responsible for doing and also develop training programs, management, senior management programs and career path for employees so they can see a clear path of how they come through the bureaucracy and move up the ladder as well as the extra training they need just to carry out the functions of the jobs they do today. Thank you.

MR. SPEAKER:

Oral questions. Final supplementary, Mr. Roland.

Supplementary To Question 645-13(4): Civil Servant Workloads

MR. ROLAND:

Thank you, Mr. Speaker. Is this training being made available at the community level and regional level as well as headquarters where we seem to see a lot of that happening? Is that being made available at the community level? Thank you.

Further Return to Question 645-13(4): Civil Servant Workloads

HON. DON MORIN:

Thank you, Mr. Speaker. Yes, it is supposed to be made available at the community level. Even through health transfers for community empowerment, we have to train staff at the community level. We have to train the

Page 1505

administrators at the community level. It will take time. For example, in Fort Resolution they took over their nurses' station. They agreed that Stanton would run it for the first year and then slowly start to train them so that they could take it over within two to three years, the full administration of their health programs in the community, social service programs and drug and alcohol programs. But there is a training component at all times in those transfers. Thank you.

MR. SPEAKER:

Oral question. Mr. Steen.

Question 646-13(4): Civil Servant Christmas Holidays

MR. STEEN:

Thank you, Mr. Speaker. Mr. Speaker, my question is directed to the Chairman of the Finance Management Board, the Honourable Mr. Todd. Mr. Speaker, we just heard Mr. Todd state that we now have a balanced budget and a surplus of \$12 million or in that neighbourhood. I wonder, Mr. Speaker, since in the past, Mr. Todd has identified that it is not only his department or his government that has assisted in obtaining this balanced budget in the surplus but in fact it was due, to a great extent, to our staff and employees. I wonder if Mr. Todd would show his appreciation by announcing that there will be no Toddy days during Christmas this year.

MR. SPEAKER:

The Minister of Finance, Mr. Todd.

Return To Question 646-13(4): Civil Servant Christmas Holidays

HON. JOHN TODD:

Thank you, Mr. Speaker. My understanding, first of all let me clarify, we are predicting. I should have been a little more concise. We are optimistic that we will be able to balance the budget and come in with a small surplus which I said in my speech earlier last

week that I intend to put directly toward the accumulated deficit so there is no net gain to the territories. Because we want to ensure on April 1, 1999, not only have we balanced our budget, we want to make sure that the accumulative deficit is at the lowest it can be.

My understanding is the Christmas holidays that we compassionately have put together with our union colleagues was very successful by the employees, and I do not think there would be any desire by the government to change that kind of success. Thank you.

MR. SPEAKER:

Thank you. Oral questions. Supplementary, Mr. Steen.

Supplementary To Question 646-13(4): Civil Servant Christmas Holidays

MR. STEEN:

Thank you, Mr. Speaker. Mr. Speaker, I am a bit disappointed in the response, but I believe I did hear the Minister state that regardless of the amount of work the employees do, there are still going to be Toddy days.

MR. SPEAKER:

Mr. Todd.

Further Return To Question 646-13(4): Civil Servant Christmas Holidays

HON. JOHN TODD:

Thank you, Mr. Speaker. The last time I was called Toddy was in 1952 when I was in the primary school. That is actually called Donny days after our illustrious Premier. But there is no desire to make any change to the Donny days over Christmas.

MR. SPEAKER:

Thank you. Oral questions. Mr. O'Brien.

MR. O'BRIEN:

Mr. Speaker, I will have to reserve my question.

MR. SPEAKER:

Oral questions. Mr. Miltenberger.

Question 647-13(4): Aurora Fund Marketing

MR. MILTENBERGER:

Mr. Speaker, my question is directed to the Minister of the Financial Management Board who is also responsible for the Aurora Fund. I listened to the discussion in the House about the Aurora Fund and though there are a few vacant seats here, I am still interested if the Minister could give a broad brushed overview of the kind of marketing that is done of the fund in the north or is he aware of the plan?

MR. SPEAKER:

The Minister responsible for the Financial Management Board, Mr. Todd.

Return To Question 647-13(4): Aurora Fund Marketing

HON. JOHN TODD:

Thank you. My understanding of the Aurora Fund, Mr. Speaker, is it runs on a very tight budget. That is why most of the stuff is contracted out rather than permanent employees. What I was trying to say today earlier I do not have the marketing strategy with me today and I would again suggest to my honourable colleague that he put his name forward for the full briefing on the Aurora Fund and we would be able to tell him at that time.

I can tell you this, that there is a significant amount of interest in this fund. There is no question about that and I think there is a reasonable amount of knowledge of it. I do not know at the community level, but I will speak to our fund manager, Mr. Bailey, tomorrow and just get a better understanding of what steps he is taking to ensure that all parties across the territories are given equal access to apply for this money which is now in place, Mr. Speaker. Thank you.

MR. SPEAKER:

Thank you. Oral questions. Supplementary, Mr. Miltenberger.

Supplementary To Question 647-13(4): Aurora Fund Marketing

MR. MILTENBERGER:

Thank you, Mr. Speaker. The Minister as we all know is a very quick study on just about any issue that is

placed before him. Given his commitment, would the Minister be willing to if asked tomorrow, give a broad overview of the approaches taken with marketing once he checks with Mr. Bailey, so that the public as well as the MLAs will have a sense that this is a northern fund that is open to northerners, that it is issued in the House and that it is televised. It would be of great interest to the people.

MR. SPEAKER:

Mr. Todd.

Page 1506

Further Return To Question 647-13(4): Aurora Fund Marketing

HON. JOHN TODD:

Thank you, Mr. Speaker. That is an excellent, excellent suggestion by my honourable colleague from Fort Smith, and I will undertake to speak to Mr. Bailey this afternoon, and provided he can give me the details that are required, I would be only too happy to stand in this House with the television on full blaze and advise the people of the territories of how this fund is funded and how this fund is marketed, which I will undertake tomorrow if I am asked the same question. Thank you.

MR. SPEAKER:

Thank you. Oral questions. Supplementary, Mr. Miltenberger.

Supplementary To Question 647-13(4): Aurora Fund Marketing

MR. MILTENBERGER:

Thank you, Mr. Speaker. A man far older than I and far wiser has told me many a time that it is always good to acknowledge when you do not know or if you have made a mistake early and cut off the debate. I would just like to ask the Minister, as he makes this fine statement tomorrow, would he please take the time to give some credit to Mr. Picco for his persistent questions that brought this issue to the table. Thank you.

MR. SPEAKER:

Mr. Todd.

Further Return To Question 647-13(4): Aurora Fund Marketing

HON. JOHN TODD:

Thank you, Mr. Speaker. My honourable colleague is correct. I guess I was not as knowledgeable as I should have been with respect to the Aurora Fund's marketing strategy and for that I apologize. I will undertake to give Mr. Picco full credit for his persistence in requesting what the Aurora Fund and how the Aurora Fund is marketed. Thank you.

MR. SPEAKER:

Oral questions. Mr. O'Brien.

Question 648-13(4): Keewatin Medical Services

MR. O'BRIEN:

Thank you, Mr. Speaker. Mr. Speaker, my question is to the Minister responsible for Health and Social Services. Mr. Speaker, the Minister recently stated that as a result of the major changes to services in the Keewatin regarding medical services, that the residents would not be at risk as a result of these major changes. My question to the Minister. Is the Minister aware that there is a major backlog of patient referrals now in the Keewatin?

MR. SPEAKER:

The Minister of Health and Social Services, Mr. Ng.

Return To Question 648-13(4): Keewatin Medical Services

HON. KELVIN NG:

Thank you, Mr. Speaker. Mr. Speaker, no I am not aware of a major backlog of any medical referrals in the Keewatin. Thank you.

MR. SPEAKER:

Thank you. Oral questions. Supplementary, Mr. O'Brien.

Supplementary To Question 648-13(4): Keewatin Medical Services

MR. O'BRIEN:

Thank you, Mr. Speaker. Thank you, Mr. Speaker. Mr. Speaker, it is my understanding that there is a major backlog in patient referrals and this in itself, I

believe, would cause the Keewatin residents to be at risk. Mr. Speaker, my question to the Minister is at this point in time, how many doctors are available in the Keewatin region? Thank you.

MR. SPEAKER:

Mr. Ng.

Further Return To Question 648-13(4): Keewatin Medical Services

HON. KELVIN NG:

Thank you, Mr. Speaker. Mr. Speaker, I do not know the specific numbers at this very moment of how many physicians are in the Keewatin. As I have responded in the past to this question, it is a matter of accessibility of clients to physician services, and physician services are certainly available outside the Keewatin. I do not know on this backlog, of the nature of the appointments or the assessment would be for the clients, so I cannot say whether or not they would be at risk at this time. I certainly do not think that that would be the case otherwise they would not be in the region or in the community, they would be at the points of reference that would be able to provide them the services that they require, Mr. Speaker.

MR. SPEAKER:

Oral questions. Supplementary, Mr. O'Brien.

Supplementary To Question 648-13(4): Keewatin Medical Services

MR. O'BRIEN:

Thank you, Mr. Speaker. Mr. Speaker, my question was how many doctors are now presently employed or working in the Keewatin? Will the Minister advise this House as to how often or on what basis his department or staff are checking the delivery of services in the Keewatin as a result of the major concern and fear that now exists in the Keewatin as a result of these changes?

MR. SPEAKER:

Mr. Ng.

Further Return To Question 648-13(4): Keewatin Medical Services

HON. KELVIN NG:

Thank you, Mr. Speaker. Mr. Speaker, we are certainly not on a basis monitoring the situation. If the situation arises where there are some concerns and the honourable Member has brought up the potential for possible backlogs. I will have my department check with the Regional Health Board to see exactly what the status is of the physician services. Thank you, Mr. Speaker.

MR. SPEAKER:

Oral questions. Mr. Steen.

Question 649-13(4): Keewatin Regional Empowerment Pilot Project

MR. STEEN:

Thank you, Mr. Speaker. Mr. Speaker, my question is directed to the Minister of MACA, Ms. Thompson, as a follow up to my earlier questions. Mr. Speaker, the Minister has stated that the Keewatin Pilot Project, I believe

Page 1507

she stated at this point in time at the proposal stage, is going to be brought forward to the mayors of the Keewatin region at a Whale Cove meeting. I would like to ask the Minister, who is bringing this proposal, is it MACA? Thank you.

MR. SPEAKER:

The Minister responsible for Municipal and Community Affairs, Ms. Thompson.

Return To Question 649-13(4): Keewatin Regional Empowerment Pilot Project

HON. MANITOK THOMPSON:

Thank you, Mr. Speaker. Under our community empowerment initiative, MACA is bringing forward this proposal to the mayors at the request of the mayors interest. Thank you.

MR. SPEAKER:

Thank you. Oral questions. Supplementary, Mr. Steen.

Supplementary To Question 649-13(4): Keewatin Regional Empowerment Pilot Project

MR. STEEN:

Thank you, Mr. Speaker. Mr. Speaker, I am still confused as to why this proposal is being put forward at this point in time. So therefore, I will be asking the Minister, why does the department feel it is necessary that a new form of regional government be put in place in the Keewatin? Mr. Speaker, could she give me an example, is there something wrong with the existing government? Is there something wrong with the way the existing regional government is operating? Thank you.

MR. SPEAKER:

Ms. Thompson.

Further Return To Question 649-13(4): Keewatin Regional Empowerment Pilot Project

HON. MANITOK THOMPSON:

Thank you, Mr. Speaker. This is not a regional government we are creating, it is a coordinated approach for transfers to take place to the communities in the Keewatin Region. This is a better way of doing business with the communities. It is at the proposal stage. It is not a regional government because it does not have a law making authority. They are not making laws, they do not have the authority to do that, so it is not a regional government. Thank you, Mr. Speaker.

MR. SPEAKER:

Oral questions. Supplementary, Mr. Steen.

Supplementary To Question 649-13(4): Keewatin Regional Empowerment Pilot Project

MR. STEEN:

Thank you, Mr. Speaker. Mr. Speaker, I understand that there is no government; so therefore, it does not have any powers. It is just a proposal at this point in time. So therefore, I understand it has no authority and no power. But what I am trying to find out is, why is it necessary? Is there something wrong with the way the region is operating at this time? For instance, I presume this whole thing refers to regional directors, regional superintendents, the regional operation of separate departments. Now could the Minister indicate to me why this is necessary if there is nothing wrong with the regional government operation at this point in time?

MR. SPEAKER:

Ms. Thompson.

Further Return To Question 649-13(4): Keewatin Regional Empowerment Pilot Project

HON. MANITOK THOMPSON:

Mr. Speaker, the reason for this is that savings due to opportunities for a more efficient program delivery and reduction of duplication at the local level would be realized through this proposal. There should be net savings and all savings realized that would remain with the community governments. Thank you, Mr. Speaker.

MR. SPEAKER:

Question period is over. Item 7, written questions. Mr. Ningark.

ITEM 7: WRITTEN QUESTIONS

Written Question 36-13(4): Renewable Resource Office Position Transfer to Broughton Island

MR. NINGARK:

Thank you, Mr. Speaker. Mr. Speaker, the community of Broughton Island has contacted the Department of Resources, Wildlife and Economic Development many times in the past year. The community would like to have the renewable officer transferred through community empowerment. Requests have been made for a draft transfer agreement and actual costs for the position for the past three years. Correspondence from the community shows that the information has been requested at least four times in writing, since last October. When can the community of Broughton Island expect the following: a draft transfer agreement for the renewable resource officer and actual costs for the last three years for the position of renewable resource officer to be forwarded to the community? Thank you.

MR. SPEAKER:

Thank you. Written questions. Item 8, returns to written questions. Item 9, replies to opening address. Item 10, petitions. Item 11, report of standing and special committees. Item 12, reports of committees on the review of bills. Mr. Enuaraq.

ITEM 12: REPORTS OF COMMITTEES ON THE REVIEW OF BILLS

MR. ENUARAQ:

Thank you, Mr. Speaker. Mr. Speaker, I wish to report to the Legislative Assembly that the Standing Committee on Social Programs has reviewed Bill 21, An Act to Amend the Companies Act and Bill 22, An Act to Amend the Corrections Act and wishes to report that Bills 21 and 22 are now ready for committee of the whole. Thank you.

MR. SPEAKER:

Thank you. Item 12, reports of committees on the review of bills. Item 13, tabling of documents. Item 14, notices of motion. Item 15, notices of motions for first reading of bills. Item 16, motions. Item 17, first reading of bills. Mr. Arlooktoo.

ITEM 17: FIRST READING OF BILLS

Bill 24: An Act to Amend the Financial Administration Act

HON. GOO ARLOOKTOO:

Thank you, Mr. Speaker. Mr. Speaker, I move, seconded by the honourable Member for Sahtu, Bill 24, An Act to Amend the Financial Administration Act be read for the first time.

Page 1508

MR. SPEAKER:

Thank you. Your motion is in order. To the motion. Question has been called. All those in favour? All those opposed? Motion is carried. Bill 24 has had first reading. First reading of bills. Item 18, second reading of bills. Item 19, consideration in committee of the whole of bills and other matters. Bill 3, Family Law Act; Bill 4, Children's Law Act; Bill 5, Adoption Act; Bill 15, An Act to Amend the Workers' Compensation Act; Committee Report 08-13(4), Minister's Statement 110-13(4), Tabled Document 108-13(4). With Mr. Steen in the Chair.

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

CHAIRMAN (Mr. Steen):

I would like to call the committee to order. For consideration by the committee, the committee of the whole we have Bill 3, Family Law Act; Bill 4, Children's Law Act; Bill 5, Adoption Act; Bill 15, An Act to Amend the Workers' Compensation Act; Committee

Report 08-13(4); Minister's Statement 110-13(4); Tabled Document 108-13(4). I would like to ask Mr. Ootes, Chair of the Ordinary Members' Committee which way to proceed with this.

MR. OOTES:

Thank you, Mr. Chair. That we proceed with Bill 4, Children's Law Act; followed by Bill 5, Adoption Act and following that Minister's Statement 110 and Tabled Document 108 in that order. Consider Minister's Statement 110 and Tabled Document 108 concurrently. Thank you.

MR. STEEN:

Thank you, Mr. Ootes. Is the committee agreed? After a fifteen minute break we will then start with Bill 4. Thank you.

--Break

CHAIRMAN (Mr. Ningark):

I would like to call the committee back to order. We are dealing with the Children's Law Act. Mr. Minister, do you have any opening remarks?

HON. KELVIN NG:

Thank you, Mr. Chairman. Yes, this bill is part of the family law reform initiative which has been under way for a number of years now, beginning with the work of the Family Law Review Committee. It is one of the four proposed bills currently before the Assembly to update family law in the NWT. The main subject areas covered by the bill are the legal status of children, the parentage of children, custody of and access to children, guardianship of the estates of children and child support. The focus of this bill is on children, recognizing their importance in our lives and in the future of our territories. It recognizes that children have important rights, including the right to be treated equally, whether or not their parents are married. It also recognizes children's rights to be cared for and supported by their parents. The bill stresses that the most important consideration in court decisions on the custody of and access to a child are the best interests of the child with the recognition that differing cultural values and practices must be respected in those decisions.

The Standing Committee on Social Programs conducted a public review of the family law bills this spring and summer. There was a significant response from the public and interested organizations at the

public hearings. The standing committee then made recommendations for improvements to the bill resulting in a number of amendments during their clause by clause review in September. One set of amendments replaced part 4 on child support with a number of sections which allow either the use of the recent federal child support guidelines made under the Divorce Act or alternatively allow the territorial government to develop its own guidelines for determining child support. At the request of the standing committee, further proposed amendments have been developed to improve the bill. These will be discussed later today. I would like to thank the Members of the standing committee and their staff for their thorough work on the family law reform package. I also want to thank all those who were involved in this initiative, including members of the public and members of the Family Law Review Committee. I look forward to further discussion on the bill later today, Mr. Chairman. Thank you.

CHAIRMAN (Mr. Ningark):

Thank you, Mr. Minister. The Chairman of the Standing Committee on Social Programs, Mr. Enuaraq. Do you have any opening remarks on behalf of the committee?

MR. ENUARAQ:

Thank you, Mr. Chairman. A number of amendments were made during the clause by clause review. Since the bill was introduced in the House, federal child support guidelines have come into force. Children are entitled to similar levels of support whether their parents are married or common-law partners. The federal guidelines are being adopted as part of this legislation. A number of amendments were made to reflect this change. A blood sample is required for determining parentage. The section on consanguinity stopped one teenage father from giving consent to have a blood sample taken. This has been corrected. A family parent clause was added to the best interests section. This requires the court to consider the wellness of one parent to facilitate access for the other parent in determining custody and access arrangements. In making a judgement on custody and access, the bill only required written reasons when the judge ordered joint orders when one or both of the parties did not request it. This has been changed to require written reasons in any case where the judge orders custody arrangements that were not requested by one or both of the parties.

Guardianship for youth is normally ended at age 19. There was prohibition allowing youth under 19 who were parents to apply to end guardianship. This subsection was removed, giving all youth equal treatment and equal opportunity to make application in unusual cases. The section on mediation was amended to allow the court to order a couple to participate in mediation. We are encouraged by the success of the mandatory mediation in other jurisdictions, and this provides a first step.

Further amendments will be required in the House on some issues. The section on vital statistics, reduced ability to change of birth record is unclear. The department is looking into this problem. We are concerned about section 19 on the rights of parents who leave the family home. There is the potential for a parent to make promises about access, and then not follow through once the other parent is out of the house. One parent moving out of the home also establishes a status quo which may be difficult to overturn later in court. The bill will not require assessors to be available to the court to provide testimony regarding assessment reports. This is contrary to the normal rules of evidence. The committee has discussed this point with the Minister a number of times. In our opinion based on the public feedback, section 29(9), should be

Page 1509

deleted to ensure assessments follow the rules of evidence. Section 30 deals with problems with access either custodial parent denies the other parent access or parent does not use their access. We felt this section was not strong enough. The department is preparing amendments which will provide specific sanctions on these cases.

There is no provision for recognizing the differing costing in the NWT communities in the child support guidelines. The committee felt strongly that these differences must be taken into account. The Minister has indicated that at some point the NWT could develop its own guidelines. This is a step we would like to see taken in the future. Section 59(3) deals with the setting aside contract and default. While the bill was amended in the committee to give a six month default period we would like to see a further amendment to a shorter period of time. Section 7 deals with restraining orders. The committee felt that the third parties such as family members or concerned relatives should have ability to obtain restraining order. The committee did raise concern about the cost of assessments. There are no qualified

assessors practising in the NWT. This means couples in dispute have to bring in an expert from outside the NWT. The cost to have the assessment are extremely high since legal aid will not cover these costs. This becomes an option only available to those with money. We suggested that there is the need for a government assessment service. This would significantly decrease the cost. It will also encourage couples and the courts to use assessors since the service would be available locally. The committee would like to see the Minister continue to consider this option. Many individuals raised concerns with maintenance enforcement. They asked what the point of new laws were if parents were not forced to live up to their support obligations. Although this was not directly part of the bill, we share the concern and will be addressing this in detail with the Minister of Justice. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Ningark):

Thank you, Mr. Enuaraq. We will then go into general comments on the bill. Before we do that I would like to ask the honourable Minister if he wished to bring in the witness or witnesses. Mr. Minister.

HON. KELVIN NG:

Yes, please, Mr. Chairman.

CHAIRMAN (Mr. Ningark):

Agreed. Mr. Minister, would you please introduce the witnesses to the committee.

HON. KELVIN NG:

Thank you, Mr. Chairman. To my right, Janis Cooper, legal counsel. To my left, Diane Buckland, legislative counsel. Thank you.

CHAIRMAN (Mr. Ningark):

Thank you. Welcome to the committee. General comments from the membership. Do we agree then we go clause by clause? Thank you. Yesterday, when we went through the process, it was something that we do not usually do. Every time we recognized a clause, the Minister would go into a brief explanation of that clause. It is decided that we will follow that same manner as we did yesterday. Thank you. We are dealing with Bill 4, Children's Law Act. Clause 1. Agreed? Mr. Minister.

HON. KELVIN NG:

Agreed. This clause contains definitions which are used for the purpose of the entire act. Thank you.

CHAIRMAN (Mr. Ningark):

Thank you. Part 1, clause 2. Mr. Minister.

HON. KELVIN NG:

This clause on the legal status of children reflects the current law in the Child Welfare Act. It indicates there are no legal distinctions between the status of a child born to married parents and a child born to unmarried parents. It also sets out the legal relationship of a child to other family members, Mr. Chairman.

CHAIRMAN (Mr. Ningark):

Thank you. Agreed? Clause 3. Mr. Minister.

HON. KELVIN NG:

This is an interpretative clause in respect to clause 2 on the relationship of a child to other people.

CHAIRMAN (Mr. Ningark):

Thank you. Agreed? On page 3, part 2, clause 4. Mr. Minister.

HON. KELVIN NG:

This clause relates to the determination of the parentage of a child where maternity is uncertain. An application may be made to the court for determination as to whether a woman is the mother of a child. This is also included in the current Child Welfare Act, Mr. Chairman.

CHAIRMAN (Mr. Ningark):

Agreed? Thank you. Clause 5 of Bill 6. Mr. Minister.

HON. KELVIN NG:

This clause also relates to the determination of the parentage of a child. Where paternity is uncertain, an application may be made to the court for determination as to whether a man is the father of a child. This is also included in the current Child Welfare Act.

CHAIRMAN (Mr. Ningark):

Agreed? Thank you. Page 4, clause 6. Mr. Minister.

HON. KELVIN NG:

This clause on the effect of an order regarding parentage is also found in the Child Welfare Act.

CHAIRMAN (Mr. Ningark):

Agreed? Thank you. Clause 7 of Bill 6. Mr. Minister.

HON. KELVIN NG:

Clause 7 allows the discharge or variation of an order of parentage where new evidence becomes available. It also contains the same provision as in the Child Welfare Act that indicates that where there was a declaratory order that was subsequently discharged or varied rights and duties that were exercised before the new order are not affected. In addition, any distribution of property as a result of the old order before the new order was made is not affected. Thank you.

CHAIRMAN (Mr. Ningark):

Thank you. Page 4, clause 8. Mr. Minister.

HON. KELVIN NG:

Clause 8 contains the same presumptions of paternity as found in the Child Welfare Act. In addition, the paternity of a child will be presumed to a paternity order has been made elsewhere in Canada. Where on the review of the list of presumptions, only one person would be presumed to be the father of a child. Then the child is recognized to be the child of that man unless he successfully applies for a declaration that he is not the father. Where it appears in the list of presumptions that more than one man could be the

Page 1510

father of a child, then neither will be recognized in law to be the father until the court makes an order under clause 5. Thank you.

CHAIRMAN (Mr. Ningark):

Agreed. Clause 9. Mr. Minister.

HON. KELVIN NG:

This clause in respect of a written acknowledgement of paternity as evidence is currently in the Child Welfare Act. Thank you.

CHAIRMAN (Mr. Ningark):

Thank you. Agreed? Thank you. Clause 10. Mr. Minister.

HON. KELVIN NG:

Clause 10 sets out new law on blood tests and DNA tests to determine parentage. It deals with who must pay the costs of such tests and consent to such tests.

CHAIRMAN (Mr. Ningark):

Thank you. Clause 11. Mr. Minister.

HON. KELVIN NG:

This clause regulations to be made regarding the taking of samples for blood or DNA tests.

CHAIRMAN (Mr. Ningark):

Agreed? Thank you. Clause 12. Mr. Minister.

HON. KELVIN NG:

This clause currently contained in the Child Welfare Act allows any person to file a declaration of paternity.

CHAIRMAN (Mr. Ningark):

Agreed? Thank you. Clause 13. Mr. Minister.

HON. KELVIN NG:

This clause deals with the inspection of declarations of paternity and other statements made under the Vital Statistics Act. Thank you.

CHAIRMAN (Mr. Ningark):

Thank you. We are dealing with Bill 4. I think I indicated Bill 6 earlier. We are dealing with Bill 4. Mr. Enuaraq.

Committee Motion 86-13(4): Motion to Amend Clause 13 of Bill 4

MR. ENUARAQ:

Yes, Mr. Chairman. On clause 13 I move that clause 13 of Bill 4 be amended by deleting subclause (1) and by substituting the following:

13.(1) On payment of the fee prescribed under the Vital Statistics Act on satisfying the Registrar General that he or she is a person described in subsection (1.1), a person may inspect and obtain from the Registrar General a certified copy of

(a) a declaration filed under subsection 12(1); or

(b) a statement filed under subsection 3(2) or 4(2) of the Vital Statistics Act.

(1.1) Inspection may be allowed and a certified copy may be issued under subsection (1) only

(a) to a person who must inspect the declaration or statement, or who requires the certified copy, for a stated reason that in the opinion of the Registrar General justifies the inspection of the issuance of the certified copy, as the case may be;

(b) to an officer of Her Majesty in right of Canada who must inspect the declaration or statement, or who requires the certified copy, for use in the discharge of the official duties of the officer; or

(c) to a person on the order of Judge of the Supreme Court. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Ningark):

Thank you, Mr. Enuaraq. Your motion is in order. To the motion. Question has been called. All those in favour of the motion? All those opposed? Motion is carried. Clause 13 as amended? Agreed. Thank you. Clause 14 of Bill 4. Mr. Minister.

HON. KELVIN NG:

This clause is similar to a section in the Child Welfare Act on transmitting order of parentage to Vital Statistics and the amendment of the Birth Register. Thank you.

CHAIRMAN (Mr. Ningark):

Thank you. Clause 14? Agreed. Thank you. Parts 3, clause 15. Mr. Minister.

HON. KELVIN NG:

Clause 15 contains the definitions which are used for the purposes of this part on custody access and guardianship.

CHAIRMAN (Mr. Ningark):

Agreed? Thank you. Clause 16. Mr. Minister.

HON. KELVIN NG:

This clause sets out the purpose of this part, Mr. Chairman.

CHAIRMAN (Mr. Ningark):

Thank you. Agreed? Thank you. Clause 17, Mr. Minister.

HON. KELVIN NG:

This is on custody and access matters, Mr. Chairman.

CHAIRMAN (Mr. Ningark):

Thank you. Page 11, clause 18 of Bill 4. Mr. Minister.

HON. KELVIN NG:

This clause indicates that under most circumstances the mother and father are equally entitled to custody of a child.

CHAIRMAN (Mr. Ningark):

Thank you. Clause 18. Mr. Miltenberger.

Committee Motion 87-13(4): Motion to Amend Clause 18 of Bill 4

MR. MILTENBERGER:

Thank you, Mr. Chairman. I move that subclause 18(5) of Bill 4 be deleted and the following be substituted:

(5) The right of a parent to exercise the entitlement of custody of a child and the incidents of custody, but not the entitlement to access to the child, is suspended until a parental or separation agreement or a court order otherwise provides where

(a) the parents of the child lives separate and apart and the child lives with the other parent; and

(b) the parent has consented, either expressly or by implication, or acquiesced to the other parent having sole custody of the child. Thank you.

CHAIRMAN (Mr. Ningark):

Thank you. Your motion is in order. To the motion. Question has been called. All those in

Page 1511

favour of the motion? All those opposed? Motion is carried. Clause 18 as amended? Agreed. Clause 19. Mr. Minister.

HON. KELVIN NG:

This clause allows a person who is entitled to custody of a child to appoint someone else to exercise the rights of custody.

CHAIRMAN (Mr. Ningark):

Thank you. Clause 19. Agreed. Thank you. Clause 20. Mr. Minister.

HON. KELVIN NG:

Clause 20 allows any person to apply to court regarding custody of or access to a child.

CHAIRMAN (Mr. Ningark):

Clause 19? Thank you. Clause 20. Mr. Minister.

HON. KELVIN NG:

That was Clause 20, Mr. Chairman. Clause 21.

CHAIRMAN (Mr. Ningark):

Sorry, Clause 21. Mr. Minister.

HON. KELVIN NG:

When an order of access to a child is made without setting out specific times or days for the exercise of access the court may make an order under this clause.

CHAIRMAN (Mr. Ningark):

Agree with Clause 21? Thank you. Clause 22. Mr. Minister.

HON. KELVIN NG:

This clause allows the court to vary a custody or access order.

CHAIRMAN (Mr. Ningark):

Agreed? Thank you. Clause 23. Mr. Minister.

HON. KELVIN NG:

This clause allows the court to make an order for the supervision of custody of or access to a child.

CHAIRMAN (Mr. Ningark):

Agreed. Clause 24. Mr. Minister.

HON. KELVIN NG:

Where a court makes a joint custody order over the objections of one person or makes a custody order that was not requested by at least one of the parties, then this clause requires the court to provide reasons. Thank you.

CHAIRMAN (Mr. Ningark):

Clause 24? Agreed. Thank you. Clause 25. Mr. Minister.

HON. KELVIN NG:

Mr. Chairman, under this clause the main rule for determining whether a Northwest Territories court should hear a child custody or access matter is whether the child is habitually resident here.

CHAIRMAN (Mr. Ningark):

Thank you. Clause 25? Agreed. Clause 26. Mr. Minister.

HON. KELVIN NG:

This clause sets out another exception to the general rule that a child should be habitually resident in the Northwest Territories.

CHAIRMAN (Mr. Ningark):

Clause 26? Agreed. Thank you. Clause 27 of Bill 4. Mr. Minister.

HON. KELVIN NG:

This clause indicates that even where a court has jurisdiction to hear a custody or access matter, it may decline to hear the matter or where the judge thinks that the matter should be heard somewhere else.

CHAIRMAN (Mr. Ningark):

Thank you. Agreed to Clause 27? Thank you. Clause 28. Mr. Minister.

HON. KELVIN NG:

This clause allows the court to make interim orders or directions where the court may not hear a matter under Clause 25.

CHAIRMAN (Mr. Ningark):

Agreed? Clause 29. Mr. Minister.

HON. KELVIN NG:

This clause would allow a court to appoint an independent assessor.

CHAIRMAN (Mr. Ningark):

Thank you. Clause 29, Mr. Enuaraq.

Committee Motion 88-13(4): Motion to Amend Clause 29 of Bill 4

MR. ENUARAQ:

Thank you, Mr. Chairman. I move that clause 29 of Bill 4 be amended by

(a) adding the following after subclause (8):

(8.1) The clerk of the court shall keep every report filed under subsection (7) in a sealed packet or shall otherwise ensure that it is not available or made available to anyone other than the parties, the child's solicitor, if any, or the court for inspection, review or copying, unless otherwise ordered by the court.

(b) deleting subclause (10) and by substituting the following:

(10) The person appointed under subsection (1) shall attend as a witness at the hearing of the application, unless the parties and the child's solicitor, if any, otherwise agree.

CHAIRMAN (Mr. Ningark):

Thank you, Mr. Enuaraq. Your motion is in order. To the motion. Question has been called. All those in favour of the motion? All those opposed? Motion is carried. Clause 29 as amended? Agreed. Thank you. Clause 30. Mr. Minister.

HON. KELVIN NG:

This clause provides for applications to the court to enforce access orders.

CHAIRMAN (Mr. Ningark):

To clause 30. Mr. Enuaraq.

Committee Motion 89-13(4): Motion to Amend Clause 30 of Bill 4

MR. ENUARAQ:

Thank you Mr. Chairman. I move that clause 30 of Bill 4 be amended by

(a) deleting subclause (2) and by substituting the following:

(2) Where the court is satisfied that the party against whom the application is brought wrongfully denied the applicant access to the child, the court may make such order as it considers appropriate, including any one or more of the following orders:

(a) requiring the respondent to give the applicant compensatory access to the child for the period agreed to by the parties or, if the parties do not agree, for the period the court considers appropriate;

Page 1512

(b) giving directions for the supervision of custody or access under section 23;

(c) requiring the respondent to reimburse the applicant for any reasonable expenses actually incurred as a result of the wrongful denial of access;

(d) appointing a mediator in accordance with section 71 as if the application were an application for access.

(b) deleting subclause (4) and by substituting the following:

(4) Where the court is satisfied that the party against whom the application is brought, without reasonable notice and excuse, failed to exercise access or to return the child as the order required, the court may make such order as it considers appropriate, including any one or more of the following orders:

(a) giving directions for the supervision of custody or access under section 23;

(b) requiring the respondent to reimburse the applicant for any reasonable expenses actually incurred as a result of the failure to exercise access or to return the child as the order requires;

(c) appointing a mediator in accordance with section 71 as if the application were an application for access;

(d) requiring the respondent to provide his or her address and telephone number to the applicant.

CHAIRMAN (Mr. Ningark):

Thank you, Mr. Enuaraq. Sometimes we have a hidden subsection. Your motion is in order. To the motion. Question has been called. All those in favour of the motion? All those opposed? Motion is carried.

Clause 30 as amended? Agreed. Clause 31. Mr. Minister.

HON. KELVIN NG:

This clause deals with the situation where the child is unlawfully held from the person having custody of a child under a custody order.

CHAIRMAN (Mr. Ningark):

Clause 31? Agreed. Thank you. Clause 32. Mr. Minister.

HON. KELVIN NG:

This clause deals with the unlawful removal of a child from the Northwest Territories.

CHAIRMAN (Mr. Ningark):

Agreed? Thank you. Clause 33. Mr. Minister.

HON. KELVIN NG:

This clause deals with circumstances where someone wants to bring an application for custody or access for the enforcement of a custody or access order.

CHAIRMAN (Mr. Ningark):

Clause 33. Mr. Roland.

Committee Motion 90-13(4): Motion to Amend Clause 33 of Bill 4

MR. ROLAND:

Thank you, Mr. Chairman. I move that clause 33 of Bill 4 be amended by adding the following after subclause (1):

(1.1) Subsection (1) does not apply in respect of

(a) personal correspondence between the proposed respondent or person against whom the order is made and a parent, child, spouse, brother or sister of that person; or

(b) information that is subject to solicitor-client privilege.

(1.2) Where a court makes an order under subsection (1), it may make any order with respect to the confidentiality to be maintained in connection with the information provided pursuant to that order that it considers appropriate.

CHAIRMAN (Mr. Ningark):

Thank you. Your motion is in order. To the motion. Question has been called. All those in favour? All those opposed? Motion is carried. Clause 33 as amended? Agreed. Clause 34. Mr. Minister.

HON. KELVIN NG:

This clause deals with the recommendation of the courts of the Northwest Territories of custody and access decisions from other jurisdictions.

CHAIRMAN (Mr. Ningark):

Thank you. Agree with clause 34. Clause 35. Mr. Minister.

HON. KELVIN NG:

This clause sets out circumstances where a court may make an order that supersedes an order of a court from another jurisdiction. Thank you.

CHAIRMAN (Mr. Ningark):

Mr. Picco.

MR. PICCO:

Thank you, Mr. Chairman. Mr. Chairman, could I have some clarification on what he means when he says superseding from another jurisdiction after a rule or law has taken place.

CHAIRMAN (Mr. Ningark):

Mr. Minister.

HON. KELVIN NG:

Thank you, Mr. Chairman. In the best interests of the child, it is necessary for the Northwest Territories court to make an order of that nature if the child has moved here from another jurisdiction per se and he or she might be a resident of the Northwest Territories. Thank you.

CHAIRMAN (Mr. Ningark):

Thank you. Clause 34. Mr. Picco.

MR. PICCO:

Just for clarification, Mr. Chairman, is the Minister saying that if a court order made in Nova Scotia were in place and the child moved to the Northwest

Territories, they might overturn that type of rule or legislation to protect the child and then our legislation or our rule made by our court would supersede what had been made in Nova Scotia?

CHAIRMAN (Mr. Ningark):

Thank you. Mr. Minister.

HON. KELVIN NG:

Thank you, Mr. Chairman. Mr. Chairman, yes that would be the case under certain circumstances provided that a child has resided in the Territories for an extended period of time. Thank you.

CHAIRMAN (Mr. Ningark):

Thank you. Clause 34. Mr. Picco.

MR. PICCO:

Thank you, Mr. Chairman. So bringing in that clause is it the case over the last x-number of months or years indeed you have had this situation in the Northwest Territories, or we have had to do this? Is that why the clause is being introduced?

CHAIRMAN (Mr. Ningark):

Thank you. Mr. Minister.

HON. KELVIN NG:

Thank you, Mr. Chairman. Mr. Chairman, I have been told that the reason for this clause is because a lot more mobility of parents as they move from jurisdictions into

Page 1513

jurisdictional mobility, and it is consistent with what is in other legislation as well, Mr. Chairman.

CHAIRMAN (Mr. Ningark):

Thank you. Clause 34? Agreed. Thank you. Clause 35? Agreed. Thank you. Clause 36. Mr. Minister.

HON. KELVIN NG:

This clause sets out further exceptions where the Northwest Territories court may make an order that supersedes an order from another jurisdiction on custody or access.

CHAIRMAN (Mr. Ningark):

Clause 36? Agreed. Mr. Picco.

MR. PICCO:

Thank you, Mr. Chairman. Mr. Chairman, is that similar to clause 34 that you just discussed, superseding legislation of other jurisdictions which would be superseded by legislation passed in the Northwest Territories, or ruling or by the court?

CHAIRMAN (Mr. Ningark):

Mr. Minister.

HON. KELVIN NG:

Thank you, Mr. Chairman. Mr. Chairman, it is similar, but this is different circumstances. Here is a situation where the child may suffer serious harm. Thank you.

CHAIRMAN (Mr. Ningark):

Clause 36? Agreed. Thank you. Clause 37. Mr. Ng.

HON. KELVIN NG:

This clause deals with the admissibility in court of extra-territorial orders on custody or access.

CHAIRMAN (Mr. Ningark):

Clause 37? Agreed. Mr. Picco.

MR. PICCO:

Thank you, Mr. Chairman. Is that permitting admissibility of evidence?

CHAIRMAN (Mr. Ningark):

Thank you. Mr. Ng.

HON. KELVIN NG:

Yes, Mr. Chairman.

CHAIRMAN (Mr. Ningark):

Clause 37? Agreed. Thank you. Clause 38. Mr. Minister.

HON. KELVIN NG:

This clause deals with the laws of another jurisdiction when custody or access matters are before the court.

CHAIRMAN (Mr. Ningark):

Clause 38? Agreed. Thank you. Clause 39. Mr. Minister.

HON. KELVIN NG:

This clause is on dispensing with the parent's consent to medical treatment of the child. It is taken from the Minor's Act which would be repealed when this bill comes into force.

CHAIRMAN (Mr. Ningark):

Clause 39? Agreed. Thank you. Clause 40. Mr. Ng.

HON. KELVIN NG:

This clause allows an application to court regarding guardianship for a child.

CHAIRMAN (Mr. Ningark):

Clause 40? Agreed. Thank you. Clause 41. Mr. Ng.

HON. KELVIN NG:

This clause deals with who may be appointed guardian, the number of guardians for a child and the responsibilities of a guardian.

CHAIRMAN (Mr. Ningark):

The honourable Member for Iqaluit, Mr. Picco.

MR. PICCO:

Thank you, Mr. Chairman. Mr. Chairman, is this clause to legislate who the court would order would be the guardian?

CHAIRMAN (Mr. Ningark):

The honourable Minister, Mr. Ng.

HON. KELVIN NG:

Thank you, Mr. Chairman. Yes, it is and it is in respect to the property of the child.

CHAIRMAN (Mr. Ningark):

Thank you. The honourable Member for Iqaluit, Mr. Picco.

MR. PICCO:

Thank you, Mr. Chairman. Is that to say that the child would become a ward of the state?

CHAIRMAN (Mr. Ningark):

Thank you. The honourable Minister for Justice, Mr. Ng.

HON. KELVIN NG:

Thank you, Mr. Chairman. No, that is not the case, these are private guardians. Thank you.

CHAIRMAN (Mr. Ningark):

Clause 41? Agreed. Thank you. Clause 42. Mr. Minister.

HON. KELVIN NG:

This clause sets out the kind of order that a court may make under Clause 40.

CHAIRMAN (Mr. Ningark):

Clause 42? Agreed. Thank you. Clause 43. Mr. Ng.

HON. KELVIN NG:

Under this clause guardians for a child may make an appointment to be effective on their death for someone else to be the child's guardian.

CHAIRMAN (Mr. Ningark):

Clause 43? Agreed. Mr. Picco.

MR. PICCO:

Thank you, Mr. Chairman. Mr. Chairman, on the death of the appointed guardian before or are you saying the parent, on the parents' death the court appoints someone? Is that correct?

CHAIRMAN (Mr. Ningark):

Thank you. Mr. Ng.

HON. KELVIN NG:

Thank you, Mr. Chairman. Yes, normally it would be the parents. Thank you.

CHAIRMAN (Mr. Ningark):

Clause 43? Agreed. Thank you. Clause 44 of Bill 4. Mr. Ng.

HON. KELVIN NG:

This clause allows the court to require a guardian for a child to post security when he or she undertakes the management of a child estate.

CHAIRMAN (Mr. Ningark):

Clause 44? Agreed. Thank you. Clause 45. Mr. Minister.

Page 1514

HON. KELVIN NG:

This clause allows the court to require a guardian to pass the account in respect of the care and management of a child's estate.

CHAIRMAN (Mr. Ningark):

Clause 45? Agreed. Thank you. Clause 46. Mr. Minister.

HON. KELVIN NG:

This clause deals with reasonable fees and expenses relating to the management of a child's estate.

CHAIRMAN (Mr. Ningark):

Clause 46? Agreed. Thank you. Clause 47. Mr. Minister.

HON. KELVIN NG:

This clause indicates that a guardianship for a child ends when the child turns 19.

CHAIRMAN (Mr. Ningark):

Clause 47? Agreed. Thank you. Clause 48. Mr. Ng.

HON. KELVIN NG:

This clause requires the guardian to transfer all of the child's property to the child when he or she turns 19.

CHAIRMAN (Mr. Ningark):

Clause 48? Agreed. Mr. Picco.

MR. PICCO:

Thank you, Mr. Chairman. Mr. Chairman, in most jurisdictions, the legal age, I understand, is 18, and that is taken from usually the electoral roles which gives 18 the age of consent. I wonder if the age of 19 is used because that is what other jurisdictions are

using or is that a law of standard that has been issued by the territorial government in the past?

CHAIRMAN (Mr. Ningark):

The honourable Minister of Justice, Mr. Ng.

HON. KELVIN NG:

Thank you, Mr. Chairman. Mr. Chairman, in our jurisdiction 19 is the age of majority. Thank you.

CHAIRMAN (Mr. Ningark):

Clause 48? Agreed. Thank you. Clause 49. Mr. Ng.

HON. KELVIN NG:

This clause provides for the removal and resignation of guardians.

CHAIRMAN (Mr. Ningark):

Clause 49? Agreed. Thank you. Clause 50. Mr. Minister.

HON. KELVIN NG:

This clause allows a limited amount of money or property to be paid or delivered to a parent of a child even without a guardianship order.

CHAIRMAN (Mr. Ningark):

Clause 50? Agreed. Thank you. Clause 51 on page 29 of Bill 4. Mr. Ng.

HON. KELVIN NG:

This clause deals with the disposition of a child's property.

CHAIRMAN (Mr. Ningark):

Clause 51? Agreed. Thank you. Clause 52. Mr. Minister.

HON. KELVIN NG:

When a child has suffered a personal injury in an accident, action can be brought to court in respect of that injury. Then this clause requires the court to approve any settlement.

CHAIRMAN (Mr. Ningark):

Clause 52? Agreed. Thank you. Clause 53. Mr. Minister.

HON. KELVIN NG:

This clause allows the court to make orders in respect of a child's leased land.

CHAIRMAN (Mr. Ningark):

Clause 53? Agreed. Thank you. Clause 54. Mr. Ng.

HON. KELVIN NG:

This clause deals with how to interpret references to custody and guardianship of the child in other documents.

CHAIRMAN (Mr. Ningark):

Clause 54? Agreed. Thank you. Clause 55. Mr. Ng.

HON. KELVIN NG:

This clause deals with the validity of a minor's consent under this part of the bill.

CHAIRMAN (Mr. Ningark):

Clause 55? Mr. Miltenberger. Agreed. Thank you. Clause 56. Mr. Minister.

HON. KELVIN NG:

This clause acknowledges that minors who are 16 years or over may remove themselves from a parent's charge.

CHAIRMAN (Mr. Ningark):

Clause 56? Agreed. Mr. Picco.

MR. PICCO:

Thank you, Mr. Chairman. Is that a contradiction if the child is over the age of 16, can remove themselves from the parental charge, but cannot under the age of majority, which is 19. Is that a contradiction, why the difference is there?

CHAIRMAN (Mr. Ningark):

Thank you. Mr. Minister.

HON. KELVIN NG:

Thank you, Mr. Chairman. Mr. Chairman, it is just a recognition that some children who are 16 years of age or older may not want to stay and have the right to leave the home. Thank you.

CHAIRMAN (Mr. Ningark):

Thank you. Clause 56? Agreed. Thank you. Clause 56.1. Mr. Minister.

HON. KELVIN NG:

This transitional clause deals with orders for custody, access and guardianship that are made under previous legislation.

CHAIRMAN (Mr. Ningark):

Clause 56.1? Agreed. Thank you. Clause 57. Mr. Minister.

HON. KELVIN NG:

This clause contains the definition to be used for the purpose of this part on child support.

CHAIRMAN (Mr. Ningark):

Clause 57? Agreed. Thank you. Clause 58. Mr. Minister.

HON. KELVIN NG:

This clause sets out a parent's obligation to support his or her children.

CHAIRMAN (Mr. Ningark):

Clause 58? Agreed. Thank you. Clause 59. Mr. Minister.

HON. KELVIN NG:

This is a clause under which an application may be made for child support.

Page 1515

CHAIRMAN (Mr. Ningark):

Clause 59? Agreed. Thank you. Clause 59.1. Mr. Minister.

HON. KELVIN NG:

This clause contains an exception to the rule that orders for child support must be made in accordance with the guidelines.

CHAIRMAN (Mr. Ningark):

Clause 59.1? Mr. Picco.

MR. PICCO:

Why would there be an exemption from the guidelines?

CHAIRMAN (Mr. Ningark):

Mr. Minister.

HON. KELVIN NG:

Thank you, Mr. Chairman. Special provisions have been made between the parents for the benefit of the child, Mr. Chairman.

CHAIRMAN (Mr. Ningark):

Clause 59.1? Agreed. Thank you. Clause 59.2. Mr. Minister.

HON. KELVIN NG:

This clause sets out circumstances where a court may set aside a provision in a domestic contract that deals with child support.

CHAIRMAN (Mr. Ningark):

Clause 59.2. Mr. Enuaraq.

Committee Motion 91-13(4): Motion to Amend Clause 59.2 of Bill 4

MR. ENUARAQ:

Thank you, Mr. Chairman. I move that Clause 59.2 of Bill 4 be amended by:

(a) striking out an application under this section in that portion preceding paragraph

(a) and by substituting an application under section 59 and

(b) striking out 6 month end paragraph

(c) and by substituting three month. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Ningark):

Thank you. Clause 59.2. Your motion is in order. To the motion. Mr. Picco.

MR. PICCO:

Thank you, Mr. Chairman. Mr. Chairman, why are we reducing or striking out six months or adding six months? I do not understand the motion.

CHAIRMAN (Mr. Ningark):

Thank you. Mr. Enuaraq.

MR. ENUARAQ:

Mr. Chairman, there was a good reason for reducing from six month to three month in case a person was not paying properly on time. Thank you.

CHAIRMAN (Mr. Ningark):

Thank you. Does that explain the amendment, Mr. Picco?

MR. PICCO:

Yes, thank you.

CHAIRMAN (Mr. Ningark):

Mr. Enuaraq.

MR. ENUARAQ:

Thank you, Mr. Chairman. If I did not explain it properly I would like to ask Ms. MacPherson to explain. Thank you.

CHAIRMAN (Mr. Ningark):

Thank you. Mr. Picco has indicated it was explained, but if you want further explanation perhaps our law clerk? No. Thank you. Clause 59.2, as amended? Question has been called. All those in favour? Opposed? The motion is carried. Clause 59.2 as amended. Agreed. Clause 60 of Bill 4. Mr. Minister.

HON. KELVIN NG:

This clause contains the number of kinds of orders that a court may make in respect of child support.

CHAIRMAN (Mr. Ningark):

Clause 60. Agreed? Thank you. Clause 61. Mr. Minister.

HON. KELVIN NG:

This clause deals with applications to varied child support orders.

CHAIRMAN (Mr. Ningark):

Clause 61. Agreed? Thank you. Clause 62. Mr. Minister.

HON. KELVIN NG:

This clause also applies in respect of variational orders.

CHAIRMAN (Mr. Ningark):

Clause 62. Agreed? Thank you. Clause 63 of Bill 4. Mr. Minister.

HON. KELVIN NG:

This is a transitional clause dealing with child support orders made under previous legislation.

CHAIRMAN (Mr. Ningark):

Clause 63. Agreed? Thank you. Clause 64. Mr. Minister.

HON. KELVIN NG:

This clause tells the court that support for a child has priority over spousal support when both matters are heard at the same time.

CHAIRMAN (Mr. Ningark):

Clause 64. Agreed? Thank you. Clause 65. Mr. Minister.

HON. KELVIN NG:

This clause is similar to clause 33 on court orders for access to information.

CHAIRMAN (Mr. Ningark):

Agreed? Thank you. Clause 65. Mr. Erasmus.

Committee Motion 92-13(4): Motion to Amend Clause 65 of Bill 4

MR. ERASMUS:

Thank you, Mr. Chairman. I move that clause 65 of Bill 4 be amended by adding the following after subclause 3.

(3.1) subsection 3 does not apply in respect of

(a) personal correspondence between the proposed respondent and a parent, child, spouse, brother or sister of that person or

(b) information that is subject to solicitor/client privilege.

(3.2) Where a court makes an order under subsection 3, it may make any order with respect to the confidentiality to be maintained in connection with the information provided pursuant to that order that it considers appropriate.

Thank you

Page 1516

CHAIRMAN (Mr. Ningark):

Thank you, Mr. Erasmus. Your motion is in order. To the motion. Mr. Picco.

MR. PICCO:

Thank you, Mr. Chairman. Mr. Chairman, I wonder if the mover of the motion could explain to me why it would not apply to personal correspondence if personal correspondence has indicated that there was abuse or something happening I would expect that could be used. I wonder at the reason behind this motion.

CHAIRMAN (Mr. Ningark):

Thank you. We do also have a law clerk available. Mr. Erasmus.

MR. ERASMUS:

Thank you, Mr. Chairman. Perhaps we could have the law clerk answer that.

CHAIRMAN (Mr. Ningark):

Thank you. Ms. MacPherson.

MS. MacPherson:

Thank you, Mr. Chairman. My understanding is that this was the recommendation from the privacy commissioner who felt that the present provisions were possible undue invasion of privacy. As a result, this motion attempts to strike a balance between personal rights of privacy and the need to enforce court orders. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Ningark):

Thank you. Did you indicate, Mr. Minister, that you wanted to speak to the motion? No. To the motion. Mr. Picco.

MR. PICCO:

Thank you. Does the Minister agree to the motion to amend? Thank you.

CHAIRMAN (Mr. Ningark):

Thank you. Mr. Minister.

HON. KELVIN NG:

Thank you, Mr. Chairman. If I did not agree, I would be saying so, Mr. Chairman. Thank you.

CHAIRMAN (Mr. Ningark):

Thank you. To the motion. Question has been called. All those in favour? Opposed? Motion is carried. Clause 65, as amended. Agreed? Thank you. Clause 66. The Minister of Justice, Minister Ng.

HON. KELVIN NG:

This clause allows the court to issue a warrant to bring a person with a support obligation before the court.

CHAIRMAN (Mr. Ningark):

Thank you. Clause 66. Agreed? Thank you. Page 39 of Bill 4. Clause 67. Mr. Minister.

HON. KELVIN NG:

This clause allows the court to make an order to prevent a person from depleting his or her property where that would impair a claim of child support.

CHAIRMAN (Mr. Ningark):

Thank you. Clause 67. Agreed? Thank you. Clause 68. Mr. Minister.

HON. KELVIN NG:

A child support matter where the child support has been secured by property, this clause allows the court to order the sale of the property.

CHAIRMAN (Mr. Ningark):

Clause 68. Agreed? Thank you. Clause 69. Mr. Minister.

HON. KELVIN NG:

This clause deals with the person to whom a child owes money for necessities.

CHAIRMAN (Mr. Ningark):

Thank you. Clause 69. Agreed? Thank you. Mr. Picco.

MR. PICCO:

Thank you, Mr. Chairman. I am just unsure of how the child would owe money for necessities if the court has ordered an appointment of a guardian. I would expect that in that type of an appointment that indeed a guardian would be responsible for any cost incurred to have that child. I wonder if there could be some clarification. Thank you.

CHAIRMAN (Mr. Ningark):

Thank you. Mr. Minister, would you clarify this particular section.

HON. KELVIN NG:

Thank you, Mr. Chairman. This is in respect to a parent who would have the obligation to support the child, he or she would also be responsible to the person that provided the necessities to that child, Mr. Chairman.

CHAIRMAN (Mr. Ningark):

Thank you. Clause 69. Agreed? Thank you. Part 5, clause 70. Mr. Minister.

HON. KELVIN NG:

This clause deals with domestic contracts made by the parties regarding their rights and obligations to their children. Thank you.

CHAIRMAN (Mr. Ningark):

Clause 70. Agreed? Thank you. Clause 71. Mr. Minister.

HON. KELVIN NG:

This clause allows the court to appoint a mediator when a custody act says this support matter is before the court.

CHAIRMAN (Mr. Ningark):

Thank you. To clause 71, Mr. Erasmus.

Committee Motion 93-13(4): Motion to Amend Clause 71 of Bill 4

MR. ERASMUS:

Thank you, Mr. Chairman. I move that clause 71 of Bill 4 be amended by adding the following after subclause 5.

(5.1)On the filing of a report, the clerk of the court shall put it in a sealed packet or shall otherwise ensure that it is not available or made available to anyone other than the parties or the court for inspection, review, or copying, unless otherwise ordered by the court.

Thank you.

CHAIRMAN (Mr. Ningark):

Thank you, Mr. Erasmus. Your motion is in order. To the motion. Question has been called. All those in favour? Opposed? The motion is carried. Clause 71, as amended? Thank you. Clause 72, Mr. Minister.

HON. KELVIN NG:

This clause allows the person with custody to apply to the court for a restraining order.

CHAIRMAN (Mr. Ningark):

Clause 72. Agreed? Thank you. Clause 73 of Bill 4. Mr. Minister.

Page 1517

HON. KELVIN NG:

This clause increases the territorial courts power in respect of contempt of court orders.

CHAIRMAN (Mr. Ningark):

Clause 73. Agreed? Thank you. Clause 74. Mr. Minister.

HON. KELVIN NG:

This clause allows the registration of orders involving property in the appropriate registries.

CHAIRMAN (Mr. Ningark):

Thank you. Clause 74. Agreed? Thank you. Clause 75 of Bill 4. Mr. Minister.

HON. KELVIN NG:

This clause indicates that the rules of the Supreme Court will apply to matters under this Act, except where this Act provides for a different procedure.

CHAIRMAN (Mr. Ningark):

Thank you, Mr. Minister. Clause 75. Agreed? Thank you. Clause 76. Mr. Minister.

HON. KELVIN NG:

This clause is another procedural provision on starting an application and on the parties to a court application.

CHAIRMAN (Mr. Ningark):

Thank you. Clause 76. Agreed? Thank you. Clause 77. Mr. Minister.

HON. KELVIN NG:

This clause deals with the service of court documents when the father is not known.

CHAIRMAN (Mr. Ningark):

Clause 77. Agreed? Thank you. Clause 78. Mr. Minister.

HON. KELVIN NG:

This clause deals with the generalities of court applications.

CHAIRMAN (Mr. Ningark):

Thank you. Clause 78. Agreed? Thank you. Clause 79. Mr. Minister.

HON. KELVIN NG:

This clause prevents court applications to more than one court in respect of the same matter and it provides exceptions to this.

CHAIRMAN (Mr. Ningark):

Thank you. Clause 79. Agreed? Thank you. Clause 80 of Bill 4. Mr. Minister.

HON. KELVIN NG:

This clause coordinates matters heard under our territorial legislation with matters heard under the Federal Divorce Act.

CHAIRMAN (Mr. Ningark):

Thank you. Clause 80. Agreed? Thank you. Clause 80.1. Mr. Minister.

HON. KELVIN NG:

This clause deals with consent orders and allows orders to be made when both parties agree, even when all the conditions set out in the act are not met.

CHAIRMAN (Mr. Ningark):

Thank you. Clause 80.1. Agreed? Thank you. Clause 81. Mr. Minister.

HON. KELVIN NG:

This clause allows the court to make interim orders where it considers it appropriate.

CHAIRMAN (Mr. Ningark):

Clause 81. Agreed? Thank you. Clause 82 of Bill 4. Mr. Minister.

HON. KELVIN NG:

This clause requires that when a person applies to court to vary an order it should be done in the same court that made the original order.

CHAIRMAN (Mr. Ningark):

Thank you. Clause 82. Agreed? Thank you. Clause 83. Mr. Minister.

HON. KELVIN NG:

This clause sets out a child's entitlement to be heard by the judge, who is making a decision when that decision involves custody, access, or guardian arrangements which will affect the child.

CHAIRMAN (Mr. Ningark):

Thank you. Clause 83. Agreed? Thank you. Clause 84. Mr. Ng.

HON. KELVIN NG:

This clause is a regulation making power in respect of forms and other matters under this bill.

CHAIRMAN (Mr. Ningark):

Thank you. Clause 84. Agreed? Thank you. Clause 85. Mr. Minister.

HON. KELVIN NG:

This clause would allow the making of territorial child support guidelines or the amendment of the federal guidelines if they are used under this bill.

CHAIRMAN (Mr. Ningark):

Clause 85. Agreed? Thank you. Clause 86. Mr. Minister.

HON. KELVIN NG:

This deals with the amendments when this bill comes into force.

CHAIRMAN (Mr. Ningark):

Clause 86. Agreed? Clause 87 of Bill 4. Mr. Minister.

HON. KELVIN NG:

This clause repeals parts 3 and part 4 of the Child Welfare Act.

CHAIRMAN (Mr. Ningark):

Thank you. Clause 87. Agreed? Thank you. Clause 88. Mr. Minister.

HON. KELVIN NG:

This repeals the Domestic Relations Act.

CHAIRMAN (Mr. Ningark):

Clause 88. Agreed? Thank you. Clause 89 of Bill 4. Mr. Minister.

HON. KELVIN NG:

This repeals the Extra-Territorial Custody Orders Enforcement Act.

CHAIRMAN (Mr. Ningark):

Clause 89. Agreed? Thank you. Clause 90. Mr. Minister.

HON. KELVIN NG:

This repeals the Maintenance Act.

CHAIRMAN (Mr. Ningark):

Clause 90. Agreed? Thank you. Clause 91. Mr. Minister.

HON. KELVIN NG:

This repeals the Minors Act.

CHAIRMAN (Mr. Ningark):

Thank you. Clause 91. Agreed? Thank you. Clause 92. Mr. Minister.

HON. KELVIN NG:

This deals with the coming into force of this bill.

Page 1518

CHAIRMAN (Mr. Ningark):

Clause 92. Agreed? Thank you. Bill as a whole. Mr. Barnabas.

MR. BARNABAS:

Thank you, Mr. Chairman. I have a motion.

I seek unanimous consent to proceed with the motion that, if passed, could add it to redeem Bill 4.

CHAIRMAN (Mr. Ningark):

Thank you. The honourable Member is seeking unanimous to proceed with a motion. Do we have any nays? There are no nays. Proceed with your motion, Mr. Barnabas.

Committee Motion 94-13(4): Motion to Add a Preamble to Bill 4

MR. BARNABAS:

Thank you, Mr. Chairman. I move that Bill 4 be amended by adding the following immediately after the title, Children's Law Act.

WHEREAS, it is desirable to confirm the status of children within their families whether they are born inside or outside of marriage or are adopted;

AND WHEREAS, it is desirable to provide for the recognition in law of the parentage of a child;

AND WHEREAS, it is desirable to provide for the mutual obligations of parents to care for and support their children, whether or not the parents cohabit;

AND WHEREAS, it is recognized that decisions concerning the custody and access to children, and the guardianship of the estates of children, should be made in accordance with the best interests of children, with a recognition that differing cultural values and practices must be respected in those determinations;

AND WHEREAS, it is desirable to provide in law for the timely and orderly settlement of the affairs in respect of a child and to avoid a multiplicity of proceedings in relation to the affairs of a child.

Thank you, Mr. Chairman.

CHAIRMAN (Mr. Ningark):

Thank you, the motion to add a preamble to Bill 4 is in order. To the motion. Mr. Picco.

MR. PICCO:

Thank you. I wonder if clarification on the need for the preamble and clarification of what the preamble means, maybe in plain language from the law clerk.

CHAIRMAN (Mr. Ningark):

Thank you. We have the law clerk available to explain the need for preamble. Ms. MacPherson.

LAW CLERK (MS. MACPHERSON):

Thank you, Mr. Chairman. Mr. Chairman, the preamble is used to give guidance to the people who use the bill as to what the broad principals are that this Legislative Assembly considered important. It gives very broad guidance to those people who are using the legislation and who are interpreting the legislation as to the basic principals adopted or expressed by this Assembly. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Ningark):

Thank you. Mr. Picco, to the motion.

MR. PICCO:

Thank you, Mr. Chairman. Do I understand the law clerk that it allows for broad interpretation. Preamble would not allow for loop-holes or something in the

legislation. That they could use the preamble for opting in or out of certain portions. Do you as a law clerk think the preamble will not allow for loopholes or something, in the legislation that they could use the preamble for opting in or out of certain portions or do you, as a law clerk, think the preamble will not permit that?

CHAIRMAN (Mr. Ningark):

Ms. MacPherson.

LAW CLERK (MS. MACPHERSON):

Thank you, Mr. Chairman. The preamble can be used to assist the courts in interpreting the legislation. For example, the preamble stresses the importance that different cultural values and practices have to be respected. When interpreting every provision of this Act, the courts could look to the preamble as being reflective of the values and the importance of the Assembly placed on that particular value. So, it is used as a guide to interpret the rest of the legislation, Mr. Chairman.

CHAIRMAN (Mr. Ningark):

Thank you. If there is a further need to explain why the committee wanted a preamble to the bill, perhaps any member of the Committee on Social Programs could explain the motion. Question has been called. All those in favour? Opposed? The motion is carried. Does the committee agree that Bill 4, is ready for third reading as amended? Thank you. Bill 4, is now ready for third reading as amended. I would like to thank the honourable Minister and the witnesses for appearing before the committee. Thank you. What is the wish of the committee? Mr. Ootes.

MR. OOTES:

Thank you, Mr. Chairman. That we proceed with Bill 5, the Adoption Act.

CHAIRMAN (Mr. Ningark):

The Chairman of the Committee Members' Caucus is suggesting that we deal with Bill 5. Do we have agreement within committee? Thank you. We shall proceed with Bill 5. I believe the lead Minister in this case is Mr. Kevin Ng. Do you have any opening remarks?

HON. KELVIN NG:

Thank you, Mr. Chairman. Bill 5, the Adoption Act, is one of the Legislative initiatives coming out of the work of the Family Law Review Committee in the year 1990's. The Standing Committee on Social Programs has provided several recommendations arising from recently held public hearings on this bill. The Department of Health and Social Services has been working to incorporate these recommendations. One of the recommendations dealt with the structure of the bill. Committee members felt that it was difficult to follow the different processes for private and departmental adoptions. I agreed to address these concerns. This involves a redrafting of the bill. In the interest of getting the best legislation possible, I have agreed to undertake the redraft. I understand that the Standing Committee supports this approach. A newly drafted bill will address the structural concerns as well as other issues raised in the public hearings undertaken by the Standing Committee. I look forward to discussing a new Adoption Act in the future, Mr. Chairman. Thank you.

Page 1519

CHAIRMAN (Mr. Ningark):

Thank you, Mr. Minister. We will use the usual processes that we have the remarks from the Standing Committee on Social Programs. Mr. Roland.

MR. ROLAND:

Thank you, Mr. Chairman. One of the concerns of the Adoption Act was the order of the different sections. During the public hearings, we heard that it was difficult to determine what sections apply to private adoption versus departmental adoptions. Addressing this concern requires a major reformatting of the bill for that reason. The Minister agreed to table a new version of the Adoption Act. The original version would be allowed to die on the order paper. In the new version of the Adoption Act, the committee expects to see changes to reflect the issues raised during the public hearings. This includes the following points. In determining the vast interests of a child, child and parental preference should be considered. A mother should be required to identify the father of the child if she knows who it is. While we recognize the mother's right to privacy, it is our opinion that the right of a child to be aware of his background overrides the right to privacy of the mother.

Section 14 backs to restrict financial assistance for adoptive parents to those with special needs identified prior to the adoption. We acknowledge the Minister's

concern about liability. However, there must be some flexibility to address congenital problems which surface after the adoption. This would be consistent with the intent of the section.

Section 14(4) allows the department to change the amount paid to adoptive parents. We would like to see a process available for parents who want to dispute a decision to change financial support.

In determining preference of an adoptive placement, we would like to see preference given, not just to the grandparents, but to members of the extended family, including siblings, aunts and uncles. For private adoptions there should be a requirement for adoptive parents to attempt to have a pre-placement report done prior to accepting a child, whether a child is adopted through a private or departmental placement. There should still be that initial check on the home.

For out-of-territory adoptions, all aboriginal groups need to have the opportunity for input. The original bill only covered Dene chiefs. We would also like the bill to allow more pro-active involvement in out-of-territory births, where the Director revokes consent for departmental adoptions. Written reasons should be provided.

Section 27 deals with a parent revoking consent. We were concerned about a case where, for example, the mother has physical custody of the child before the adoption, but the father revokes the consent. The placement of the child needs to be clarified in a timely way which protects the best interest of the child. When a child revokes his consent to an adoption, we would like a mandatory requirement for investigation.

Adopted children and biological parents should be able to readily access adoption information. The Minister has agreed to take further steps toward open adoptions. This will include eliminating the distinction between identifying and non-identifying information. Many people said that although, legally, a biological parent ceases to be a parent with adoption, they thought that bond was still important. We think this should be addressed in the preamble.

In keeping with the intent of providing complete information through the adoption registry, the bill should allow other interested parties to have information placed on the registry. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Ningark):

Thank you. Mr. Roland.

Committee Motion 95-13(4): Motion to Defer
Consideration of Bill 5

MR. ROLAND:

Mr. Chairman, I move that this committee defer consideration of Bill 5 at this time.

CHAIRMAN (Mr. Ningark):

Thank you. I am informed the motion is not debatable. The motion to defer the consideration of this Bill 5, is in order. We do not have a quorum. Ring the bell. Thank you. There is a motion to defer the consideration of Bill 5, the Adoption Act. The motion is in order and is not debatable. All those in favour? All those opposed? Motion is carried. Bill 5, the Adoption Act is deferred, at this time. What is the wish of the committee? Mr. Ootes.

MR. OOTES:

Thank you, Mr. Chairman. We should proceed with Minister's statement 110-13(4) concurrently at the same time as Tabled Document 108-13(4), Creation of Two New Territories, Transition Action Plan.

CHAIRMAN (Mr. Ningark):

Thank you. Mr. Ootes is recommending that we deal with Minister's Statement 110-13(4), Transitional Action Plan and Tabled Document 108-13(4), Creation of Two New Territories, Transition Action and Plan. Do we concur? Agreed? Thank you. I do not know the process, if Mr. Todd wishes to begin, then we will start with Mr. Todd, who is the Minister in question, who made the Minister's Statement. Mr. Todd.

HON. JOHN TODD:

Thank you, Mr. Chairman. If it is all right with everyone, I would like to go to the witness stand and ask Mr. Voytilla if he would like to join me, just in case there are any technical questions asked although, I feel that I am knowledgeable of this document, as we helped write it. If it is all right with you, Mr. Chairman I would like to go to the witness stand.

CHAIRMAN (Mr. Ningark):

Thank you, Mr. Todd. It is not okay with me, but if it is the wish of the committee, is there agreement with

Mr. Todd? Proceed, Mr. Todd. You have indicated you want Mr. Voytilla. Now or later on? Mr. Todd.

HON. JOHN TODD:

Mr. Chairman. Mr. Voytilla will be here momentarily. In the meantime, if there are any general questions or discussions that my colleagues would like to ask on the Creation of Two New Territories, I would be only to happy to answer them. I would like to perhaps, make a few opening comments, very brief ones. I think it fundamentally illustrates why we did this and the reason for doing this report. It is important to advise everybody that we did this report for advice for the Interim Commissioner. If he chooses to accept some of it, all of it or any of it, that is his mandate. We did it for the federal government, so we could demonstrate to the federal government, the magnitude of the shortfall on the

Page 1520

transitional side of funding that was not in place in the original Cabinet submission of \$150 million in March of 1996.

For this government, we did it, if you want, as a call to action. There is a need to move forward and to move quickly. Where this report will go from here really is going to be a creature of the Interim Commissioner.

We are hoping that the Interim Commissioner will now take it upon himself to call a meeting of all the officials, federal government, territorial, western coalition and his own, to see if we can come to an agreement on what we think we should do and what we should not do, so we can start initiating discussions based on the commitment made by Ms. Stewart with respect to the shortfall of transition costs and more importantly, to start to get the job done. So, Mr. Speaker, now we have my right hand man, Mr. Lew Voytilla, with us today. We would be only to happy to answer any general or technical questions that the Legislative Assembly may have, on this very important document, the Creation of Two New Territories. Thank you.

CHAIRMAN (Mr. Ningark):

Thank you. Welcome to the committee, Mr. Voytilla. General comments. Mr. Steen.

MR. STEEN:

Thank you, Mr. Chairman. Mr. Chairman, I move that we report progress.

CHAIRMAN (Mr. Ningark):

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

Thank you. When it is time to vote, sometimes it is really hard for the chair to count the numbers of hands, especially when your hand goes up and down changing your mind. Next time, recognize the chair. We do have a tough job trying to please everyone. Thank you.

We are proceeding with Minister's Statement, Transitional Action Plan and the Creation of Two New Territories, Transition Action Plan. General comments from the floor. Mr. Ootes.

MR. OOTES:

Thank you, Mr. Chairman. I would like to make some general comments, which I would like to put into question form later on, but they really relate to the document in terms of two areas. One is the transitional costs which this document has been very good to identify what that may be and the importance of us to address that question because it was originally, as we all understood, throughout the process that the federal government would pick up the transitional costs and the incremental costs, at least that was my understanding. So that is an area of tremendous concern to all of us because without that being covered then the territorial government, this particular government, is picking up those costs and it results in program areas being cut in order to pay for that.

The second area of concern that I have, and I have some questions on that with respect to clarification, is the effect on Yellowknife because of the creation of the two territories, and again this document deals with staffing size and how it will effect office areas. But interestingly enough, the document does refer to the fact that the establishment of the ability to operate departments in Nunavut is behind; and therefore, there needs to be contracting of services and presumably the west can fulfil those needs and that we need to address in turn here because Yellowknife may be losing staff and we have to ensure that adequate staff is maintained to provide those services. The other is that, I think, it is important to point out for the public that there is a training program, and there are many training positions being established, some of which are established in Yellowknife until the availability is made in Nunavut

for the positions to be located there. So those are the areas, Mr. Chairman, that I would like to present some questions on. Thank you.

CHAIRMAN (Mr. Ningark):

Thank you. Mr. Todd.

HON. JOHN TODD:

Thank you, Mr. Chairman. If I can, I would like to start off by perhaps addressing Mr. Ootes' concerns with respect to money. The two things that we have asked the federal Minister and I believe I was fairly clear in my opening comments, Minister's statements, when I tabled the document. One is we would like to take a hard look at re-examining the regional \$150 million submission that went in to the Cabinet in March of 1996. We have asked Ms. Stewart and the parties if they would be prepared to reprofile some of that money if it has not been, perhaps the greater priorities that may now be today which were not there when that submission went in. I think it would be fair to say that she and her assistant deputy minister, Mr. Moore, agreed to that. The other thing that is important is that Ms. Stewart has agreed to a table for a review of transitional costs, and I think that is a significant step forward that was not there two weeks. Both these initiatives hopefully will be able to bring us to an appropriate compromise as to what we can accomplish and what we cannot. That is what I said in my opening comments. It is important that Mr. Enuaraq or his staff will call as soon as possible a meeting of all the parties so we can get to the table and just see if, in fact, arrangements can be made on both these financial questions. I think the other thing that Mr. Ootes talked about is the intergovernmental arrangements that we believe will be necessary to continue some of the level of servicing of the Nunavut government while it moves towards putting its new government in place.

It is important to point out that decision is the Interim Commissioner's. If he chooses to use the current government or the future western government, that will be his decision. We are suggesting that there is some corporate knowledge in this government, which is fair to all, and there would be some significant value in that. We have identified in the report there is going to be a cost attached to it. I suppose from Mr. Ootes' point of view and the constituency he represents, we need to get some clarity on that issue as quickly as possible so that we can know what changes we have to make with respect to our staff so we need to give some security to those that may, assuming that the

Interim Commissioner wants to agree to a variety of intergovernmental agreements, that those staff may have to continue to deliver for a period of time, until such time as the Nunavut government takes full responsibility for some of these services.

Right now discussions are under way on the intergovernmental agreements. We have certainly sent them a list that identified some of the agreements that we have in place with the federal government and other governments. Discussions at the official level are under way right now to determine what kind of intergovernmental agreements would

Page 1521

have to be reached. I am optimistic that the Interim Commissioner will see some value in the corporate knowledge this current government has and the future government will have and utilize some of those services. I would caution everyone that decision will be his and he may choose, as he has every right to do so, to buy those services somewhere else. Thank you.

CHAIRMAN (Mr. Ningark):

Thank you. I wanted to remind everyone that we are dealing with an important document and I want the Members to be mindful of the other Members who are asking questions and the honourable Minister is answering. Do we want to continue with the discussion. I have Mr. Ootes and Mr. Steen. Mr. Ootes.

MR. OOTES:

Perhaps, Mr. Chairman, I will let Mr. Steen proceed because I wanted to address some questions further to my comments. If Mr. Steen wishes to proceed with general comments or questions, please go ahead. Thank you.

CHAIRMAN (Mr. Ningark):

Thank you, Mr. Ootes. Mr. Steen.

MR. STEEN:

Thank you, Mr. Chairman. Mr. Chairman, I have two specific concerns in regard to this particular document. One centres around the costs, time and resources to this government to put forward this document and plan. The other centres around my concern as to whether we are advising these people

or whether we are actually drawing up government systems for them.

Mr. Chairman, if I may expand on the second one at this point. I noticed that we were supposed to be third party to all this process of establishing a Nunavut government. With that understanding in place, we would just simply take part as to advising these people as to what would be a proper type of structure of government for a number of people down there and for the size of the area. However, I am getting concerned as to the amount of time and effort we are actually putting into this thing. If I may go back a little in time, I recall about this time last year we were presented with Footprints 2, which was second phase of Footprints in the Snow. We considered that particular document and we put forward a fair number of recommendations as to changes to that particular structure. I wonder if we are losing sight of the thought that these people, NIC and I presume the Interim Commissioner are in fact mandated to design this government for these people, and not us, not this government. I am beginning to think if we have not already, we are very close to the border where we are no longer advising these people, but we are actually telling them and doing for them what they should be doing themselves.

Mr. Chairman, in this plan that is being put forward, although there was some exceptions to the plan, by the Members, I believe it was said in more than one instance by more than one Member that in absence of any other plan, we are supporting this plan. I think that is a very important point and that NIC, the Interim Commissioner and whoever else is involved including the feds, should pay attention to that particular statement. Many of us here still believe that it is the responsibility of those people from Nunavut to design and structure their own government, and not this government.

I would further like to point out that in this plan for two territories. We suggested that since they would not have any system in place themselves by 1999, that they adopt this government's system for the time being. That includes the bureaucrats, policies and everything else of this government. I think it is a fundamental and accepted fact that if you want to control anyone, you simply give them a government you designed. My suggestion to these people is that we are giving them a bureaucratic system, they can hire from this government for a minimum of two years. We will be suggesting very strongly to them what type of government they are going to have in the future. If Nunavut people do not take this thing for what it is

worth and still proceed with their own type of government, they might just as well continue to belong to this territory. Mr. Chairman, I am very convinced in my mind that, if we look back in history or history in any part of this world, whereby one people wished to take over another country or another small country, the simplest way to do it without actual war is to take over their government and infiltrate their government with their ideas and thoughts. The best way to do that is to supply them with all the bureaucrats. That is the simplest way to do it. I believe that is what is being suggested here.

I have no doubt in my mind that in the past history of this territory there were only two items needed to conquer this territory from the native people. That was the Bible and school books. That is all they needed to conquer and that is what they used. That is what the white man used to conquer this territory. To me, this looks like a simple process which is still continuing, whereby, we are having white men suggesting to the native people what kind of government they want rather than letting them do it themselves. I, for one, do not think we have any right to do that. I feel strongly that Nunavut people fought for many years for the right to design their own government, and we really have no business doing it. Although this document may be called a transition document which would address the design of the two new territories, I believe it is more properly branded as Footprints 3 because that is what it looks like to me.

I really believe this government is stepping out of line by suggesting to these people what kind of government they want. I, for one, do not support this idea that we are going to slowly infiltrate Nunavut by bringing them a whole prepared government. We are going to charge them for it, mind you cost plus, cost plus 10 percent, cost plus 20 percent or whatever we can get away with. I will not accept that. But I believe, Mr. Chairman, that is what Footprints 2 is saying. Those are my comments. Thank you.

CHAIRMAN (Mr. Ningark):

Thank you, Mr. Steen. I did not here a direct question. General comments? Mr. Picco.

MR. PICCO:

Thank you, Mr. Chairman. Mr. Chairman, the transition plan as presented over the last few days has taken a lot of effort and time from each government department to figure out the logistics of

the move toward Nunavut in April 1, 1999. I cannot question any Member of this House on their honour, or ability, or determination to have Nunavut start on April 1, 1999, with the proper resources in place to have the government that we have been working for, that people have wanted for x-number of years. I think what the Transition Action Plan shows at the present time, there are no substantive monetary resources provided by the federal government to make the dream become reality. The reality that people want and expect on April 1, 1999. It may take a couple of years longer. I do not see anywhere in the

Page 1522

document where it says decentralization will not occur. I do not see anything in that document that says that April 1, 1999, is going to come and things will not be in place or be ready. I think it is unfair to hint at anything other than that.

The money that has been provided to date by the feds, going back to last year and back to our meetings as Nunavut leaders in Cambridge Bay and Arviat, we had concerns with the \$150 million. We had concerns with the incremental monies that were available. We had concerns with the transitional monies that were available after doing the costing exercises with the only plan on the table, Mr. Chairman, which gives us an idea of where we are going. If someone has a better plan, then I would be prepared to sit down and see it. I think every Member of this House would like to see that. But I have not seen a plan. Footprints 2 was accepted by this government. It was a very good kick, as it were, at forming a government. It pointed the way toward a decentralized government and everyone has endorsed that. I have not heard anyone say anything contrary to that. The transition document shows there are some gaps. If we can get those gaps filled in, then we will be more successful over the next 12 to 18 months while we get geared up for April 1, 1999.

The federal legislation has passed in the House of Commons, so we know that the statutory legislation states that on April 1, 1999, there will be a new territory called Nunavut. At the same time, because Nunavut will be separated from the Northwest Territories, you will have a new territory that we call the Western Territory. I do not see anything in the Transition Action Plan to stop or halt that. I am concerned with the monies that are available. I am concerned with how we are going to have the resources in place. I think the action plan has finally,

in writing, outlined those concerns that many people have privately expressed over the past several months.

Today, we have a document that is now publicly stating what many have said privately. I think we should stand up with that document and then look at the arguments, pro and con, Transition Action Plan as presented, as tabled in this House.

Mr. Chairman, my children were born in Iqaluit. My wife is a beneficiary and one of the promises and platforms that I stood on, was to hopefully help Nunavut become a reality with the resources in place on April 1, 1999. I am not telling people how to run their government. But as a legislator, as a person who is elected to enact legislation and, hopefully, help on that path, that is what we are trying to do here. Like I said, Mr. Chairman, we finally have something in writing. Something that a lot of people have been saying privately that now is public. We can have debate on that. If some other group, organization or person comes forward with some solutions to the current fiscal problems that are indicated in that plan, then by all means show it to us and we will have a look at it. There are no contradictions in the plan that I see with Footprints 2, except that indeed, without the proper conditional and transitional funds in place, the decentralization model may not happen right on April 1, 1999.

In the meantime, Mr. Chairman, after saying that, I heard nothing from this government or from some of the honourable Members around the table to state that they were against division. No one is imposing the plan. It is not a piece of legislation that will be passed. It is a document that points the way towards the shortfall of funding to date. It is not an imposition. We have been talking to our constituents. I have seen some press releases coming out of the Northwest Territories' Chamber of Commerce and from some other groups, indicating support for this transition document as a starting point to look at where we go from here. It is a plan. It is not legislation. We either take it in the spirit that it was presented. If someone has a better plan, then I would like to see it on the table and we would be able to debate it and look at it.

Everyone realizes the concern with jobs and positions. Hopefully, it is an action call. It is a wake-up call to our partners to help us out in this situation. I think with the change in government and with the new ministerial shift in DIAND, we are going to have a fresh approach to this. I would be asking our

colleagues in the next few days. The Nunavut Caucus will be looking to meet with our partners, NTI and the federal government, to have a Nunavut leaders' meeting to discuss the Transition Action Plan after we have word from the federal government what their opinion is of it. Before we do that, anything else would be premature. I do not like a lot of the things I see in the transitional plan, but again, no plan is perfect. Again, if someone else has a better option to present, I am sure we would have an opportunity to look at it. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Ningark):

Thank you, Mr. Picco. General comments. I have Mr. O'Brien. Thank you.

MR. O'BRIEN:

Thank you, Mr. Chairman. Mr. Picco was looking for a better plan. I am sure Mr. Todd will agree with me, you can move all the jobs out of Iqaluit and move them into Arviat and Baker Lake. In all seriousness, in reference to Mr. Steen's comments and also Mr. Picco's, the word that I heard describe this document from Mr. Todd was, "it is advice, no more, no less." I think if it is anything other than that, there will be some stormy times ahead, Mr. Steen, your comments, if they are correct, will bear out themselves as we go through this process over the next few weeks. The document is not perfect. I see it as advice. When I first looked at it I was upset, I was concerned because it did nothing to help my communities of Arviat and Baker Lake. It does not address the decentralized model as per Footprints 2, as it relates to my two communities. I have a lot of concern with that and so do the people in my communities. I think for the time being that we have to go through the process, and I see it, again, just as document that is providing advice. If the Interim Commissioner, NTI and all the signatories to the agreement see some good in this, fine. If they do not, that is fine also. But I think as a joint agreement by all parties and, as I have indicated and I believe Mr. Picco stated, there are areas of concern that we all share. At this point I think we should go through the document and see it for what it is worth. The various parties can take it or leave it. It is a start. Thank you.

CHAIRMAN (Mr. Ningark):

Thank you, Mr. O'Brien. Mr. Minister. Mr. Todd.

HON. JOHN TODD:

I did not realize it was going to be so emotional and I am surprised, quite frankly, at Mr. Steen's comments; but Mr. Steen, of course, frequently surprises me, which is not unusual. I do not know where anybody gets the idea that we are trying, Mr. Steen or others, to impose this on anybody's will. I carefully crafted my opening ministerial comments to ensure that we sent the right signal to

Page 1523

everybody. Just so, in case some of you have forgotten or have not taken the time to read the stuff, I am going to repeat some of it because I think it bears repeating.

We said in the plan, in my comments, that in this plan, we have no legal mandate to implement transition measures in Nunavut. Let me repeat that, no legal mandate to implement transition measures in Nunavut. It is clear that transitional responsibility lies with the Interim Commissioner and the federal government. I also said, to a large extent we have to make some critical decisions on the provision of reasonable funding from the federal government. We have tried to document, very clearly and succinctly, what we could not do a year and a half ago which we demonstrated in March, 1996, in a letter from Mr. Bailey to Mr. Rainer what the shortfall of funding was. I also said I was pleased, and I am pleased, that the Federal Minister is prepared to move, to put a table together to try to determine what the shortfall will be and to try to find a way to examine the \$150 million, as well as any additional dollars that are required.

I want to talk about the continuing concern that I have heard from many Members which I thought we had addressed clearly and I need to say it again, with respect to decentralization. I think it was pretty clear, unequivocal, that this government supports decentralization, has from the beginning, and clearly in this report it identifies a \$18 million cost that was not in the \$150 million Cabinet submission, which we indicated to the federal government at the time. In fact, this transition document, because that is all it is, is adhered to the Footprints in the Snow 2 document. Take the darn time to read it. Excuse my language.

As Members of this House are aware, the Government of the Northwest Territories has continually supported the concept of a decentralized government for Nunavut so long as it was efficiently designed and that adequate federal funding was made available. The Government of the Northwest Territories remains committed to the implementation

of a decentralized model of the government for Nunavut on this basis. I mean, how clearer can you be than that. Did I just flap my gums the other day there? Did some of you choose not to be in the House? This is probably the most important document we have put on the table since this Legislature has been elected. To suggest for one minute that we are imposing on somebody is wrong and to suggest also there is no decentralization is wrong! Mr. Chairman, this report and this creation of two new territories is a stepping stone to the partners in the process and we are a legitimate third party in the process, Mr. Steen. The GNWT, NTI and the federal government signed off on the political accord. We have not only the responsibility, we have the obligation to provide as much support and as much advice to the Interim Commissioner as we should. He has the responsibility, pardon me, if he so chooses to accept it or not. That is all we have done here. Nothing else. The other part that is important here, this is a transition document, an interim step. It does not impose on the new government any political ideology with respect to programs, concepts, political innings. It merely provides a concise and detailed report that shows where we can get the essential services up and running for April 1, 1999, to ensure that you have got a Legislative Assembly in place, which we have agreed to in Footprints 2; to ensure that we have got a fiscal position in place so that people can get paid, if you want, and there has to be some legal aspect in place. To me, that is the way I view it. It also clearly shows, and I think this was the important exercise for me, the amount of shortfall on the fiscal side and recognizes that it is a negotiation position and the starting position. So, you know, I could be very candid, I object. I strongly object to the comments being made that we are imposing this on anybody. That was not what the intention was. That is not what it is and I strongly object to the implication that we are not supportive to decentralization. It is just simply not true. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Ningark):

Thank you, The honourable Deputy Premier, Mr. Arlooktoo.

HON. GOO ARLOOKTOO:

Thank you, Mr. Chairman. I will just make a couple of remarks, and I do not mean to remind Members of the House the years of work that have been done to get to this stage, from the discussions on the concept in the early 1970's to the work leading up to the signing of the Nunavut Political Accord and the signing of the

Nunavut Final Agreement. I think if there was ever a critical stage in this long process, we are at it now. I think the plan, tabled yesterday by Mr. Todd, is one that, as Mr. Picco said, a wake-up call to everyone, especially the federal government. I saw quoted in one of the papers very recently, that it is, in fact, a wake-up call to the players. I think the territorial government has been very responsible in doing this work, and I must commend the very hard work of the Division Secretariat and of the different departments in putting this very difficult work together in such a short period of time. As Mr. Todd indicated earlier, and others, a lot of the decisions and direction in the very immediate future will be made by the Interim Commissioner.

I wanted to just comment on some of the things that Mr. Steen said, and I was not going to earlier. I was thinking of just letting it slide, but I was somewhat disturbed by the seemingly derogatory tone that I heard. Maybe it was just my perception, where he, Mr. Steen continually talked about, "those people, these people and them." I wanted to remind him that just about half of the Assembly are "those people" and "them." That we are elected leaders from the Nunavut area.

I do not believe for one minute that Mr. Steen represents the rest of the western Arctic's MLAs and people in expressing some of those sentiments. I certainly hope it was just, perhaps, a difficulty in expressing them. I must say that I was offended. I will listen to comments being made by Members and have every faith in Mr. Todd in representing Cabinet in dealing with this very difficult issue in our discussions, but will jump in when I see the need to. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Ningark):

Thank you, Mr. Arlooktoo. I have Mr. Barnabas. Mr. Todd.

HON. JOHN TODD:

The only comment that I wanted to make was that this is a very sensitive time, very delicate in terms of our negotiations with the federal government and our partners in process. It has probably been, for all of us, one of the most difficult tasks we have had to undertake because we are only one player at the table. I want to remind everybody of that. There are a variety of other players, and, as you know, it becomes even more difficult with more players when you are trying to reach the appropriate compromises. So I

would like to, and maybe I am just talking to myself, as well as caution all of us in the level of rhetoric and the way we discuss this issue. I apologize to my colleagues for my outburst earlier. It has

Page 1524

been a lot of long hours and a lot of long days on this issue. Thank you.

CHAIRMAN (Mr. Ningark):

Thank you. I have Mr. Barnabas.

MR. BARNABAS:

Thank you, Mr. Chairman. Mr. Chairman, I will speak in Inuktitut. Sorry, is there a problem, Mr. Chairman.

CHAIRMAN (Mr. Ningark):

I believe there was no translation available. Pause momentarily. Proceed, Mr. Barnabas.

CHAIRMAN (Mr. Ningark):

No. It seems we are not getting translation from Inuktitut to English. Mr. Ootes.

MR. OOTES:

Perhaps you could call on one of the other Members in the interim, Mr. Chairman.

CHAIRMAN (Mr. Ningark):

Mr. Miltenberger.

MR. MILTENBERGER:

Thank you, Mr. Chairman. My comments will be very brief. With the politics and the political record aside, very clearly money is going to determine the success in the creation of two new territories and this gives the banker an inordinate amount of influence, in this case, being the federal government. I think we have to realize that this is not a blank cheque kind of division, either, as we are very clearly aware. We have some hard decisions to make in every quarter, not just in the east, not just in the west, but as a territory. It is not easy to talk about division in the abstract and in political theory. We are getting down to the nitty gritty and we are talking nickels and dimes, people, jobs and houses. It is going to get very tough. There is going to be a lot of frank discussion. There is going to be a lot of heated debate. I think we just have to keep in mind, if we do not have the money to fund this

ourselves, you cannot really call it self-government at this point because we are being bankrolled by a senior level of government. We are going to have to bite our tongues in a lot of cases. But we have to just keep pushing the way we are and keep putting the facts on the table. Nobody is going to get what they want completely out of this process. We just have to ensure fundamentally that we maintain services east and west and that we do not bankrupt our governments on a day-to-day basis, fund division that should be paid for by the federal government. I think this document just puts some hard numbers on the table and gets in peoples faces with the reality of what we are facing. Thank you.

CHAIRMAN (Mr. Ningark):

Thank you, Mr. Miltenberger. Mr. Todd.

HON. JOHN TODD:

If I may, Mr. Chairman, I think Mr. Miltenberger's point about showing the magnitude on the fiscal side is an important issue. That is something that we are all facing. As I said earlier in the House yesterday, it is the intention of the federal government and to her credit Ms. Stewart has agreed to put a table together to see if there can be some reprofiling and redirection of dollars. These discussions will be under way in the next two or three weeks, hopefully. I will try to keep everybody as abreast of these issues as I can. I want to keep reminding everybody we are just one partner in this process, and this is a delicate time and has to be dealt with some statesmanlike, delicate debate. Thank you.

CHAIRMAN (Mr. Ningark):

Thank you. Initially, Mr. Barnabas was to speak. The Chair will now recognize Mr. Barnabas.

MR. BARNABAS:

(Translation) Thank you, Mr. Speaker. As a Member from Nunavut, there are only 355 days left until Nunavut comes to a reality. I will keep working hard towards Nunavut as our past MLAs have worked really hard. I have not seen a work plan from NTI or the federal government. We will finally be able to make a work plan once Nunavut has been a reality. Thank you. (Translation ends)

CHAIRMAN (Mr. Ningark):

Mr. O'Brien, you did indicate you wanted to speak earlier.

MR. O'BRIEN:

I believe we are only entitled to one comment. Thank you.

CHAIRMAN (Mr. Ningark):

Minister Thompson.

HON. MANITOK THOMPSON:

Thank you, Mr. Chairman. I just want to congratulate the efforts made by Mr. Todd, the chair of the Division Planning Committee, and all the other committee members and their staff, in producing and tabling the draft transition action plan for the creation of two new territories. This is a transition action plan. The Footprints 2 does not have, as I understand, a transition plan to create two new territories. I believe as MLA and as a beneficiary, also as an Inuk representing a region in the NWT, that a draft resource identifying transition needs is an important missing tool. This is a missing tool, that is the key word, that is needed to help further guide our efforts towards the creation of two new territories. I am glad to know that there has been this plan developed and will be even happier when I see those things that are critical in the plan being actioned by our federal partners and our Nunavut Interim Commissioner.

Mr. Chairman, I would just like to say thank you to all those who worked on the plan. It is a missing tool that is needed. It is not in the Footprints 2. It is not saying anything negative about the Footprints 2 model. This is a missing tool that is needed to create two new territories and I want to thank the efforts of Mr. Todd, his staff and his committee members. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Ningark):

Thank you. I believe Mr. O'Brien was asking if a Member can speak more than once. Yes, any Member can speak more than once, but only ten minutes at a time. It is a general rule the Chairman of the committee of the whole will try to recognize the person who has not spoken to the item on the table and then go back to Members who have spoken if there are no Members who have not spoken wanting to speak. I recognize Mr. Enuaraq and then Mr. O'Brien because Mr. Enuaraq has not spoken yet to this particular item on the table. Mr. Enuaraq.

MR. ENUARAQ:

Thank you, Mr. Chairman. I already said my part during the Nunavut Caucus, but I would like to say it again. I am also quite pleased with this transition action plan. As everybody knows that we were trying to get Nunavut for roughly 20 years and it has taken us that long. We do have Nunavut today, but we still have to go ahead with the division date which we all agreed to, which is April 1, 1999.

Since it has taken us so long to come up to this stage, I also would like to thank Mr. Todd for putting forward with this

Page 1525

transition action plan and also his staff. Like Mr. Barnabas said, NTI and the federal government still have not come up with a plan. I guess we will be consulting with them pretty soon about this document. Thank you very much, Mr. Chairman.

CHAIRMAN (Mr. Ningark):

Thank you, Mr. Enuaraq. At this time, Mr. O'Brien has been wanting to speak for the second time and has waited patiently. I will recognize Mr. O'Brien.

MR. O'BRIEN:

Thank you, Mr. Chairman. I can assure you I do not require more than 10 minutes of talk time. It was just an additional point that I wanted to make that I did not make in my earlier comments. I have indicated that I see this document and Mr. Todd has made it very clear that this is just a document provided for advice. One of the issues I have indicated that I do have some concerns, as probably most people do, that not everything is going to be perfect or not everybody is going to be in agreement with all the points that are brought forward in this document. The decentralized issues are very important to me and my communities. The point I wanted to make is that I think what we have to look at here is that we do not want to create fear in the minds of the people at this point in time. I think we should concentrate on this in a positive fashion and, if I can say anything, what I would be looking for in the document is flexibility. I am not saying that is not there, but that is an issue that we have to address and make it very clear that it is there.

An example would be in my home community of Arviat, by the spring time there will be 18 houses available for use. If there is no office space available, there is a possibility that if it meant using some of these houses for office space in the interim that is

something that could be talked about. These are the issues I think we should be addressing. I do not think we should put things into little compartments and little boxes. I think it has to be open and flexible and I think that we will have the opportunity to pursue this in the coming days. Thank you.

CHAIRMAN (Mr. Ningark):

Thank you, Mr. O'Brien. Mr. Todd.

HON. JOHN TODD:

I think it is important to try to clarify for everybody's benefit that again, I want to say that this plan is a transition plan. I know we have said that until we are, as they say, blue in the face. The bottom line is that we need to reach an appropriate compromise with our partners. I cannot impose this on anybody. We are just providing this advice to the Interim Commissioner. We tried to illustrate the magnitude of the shortfall in the dollars and the mammoth task that we have before us in the next 18 months. I cannot say to my honourable colleague from Arviat whether or not that is what they are going to do. That is really up to the Interim Commissioner and up to the federal government to identify those dollars to get that done. It seems like a reasonable approach that he is suggesting. I certainly would be one that would support it.

The bottom line is that we are just one player and why I am sort of a bit anxious to try and see the Interim Commissioner, who called the meeting, is to see if he has a plan. He has it there. I hope there are some similarities, some parallels, to what we are saying. We need to sit down and come to a compromise to assist him in moving forward, if he so wishes. We need to sit down on the fiscal table and that is important to the decentralized model that the money has been now identified, that we have identified it anyway, in our best costs and see if that money is there so we can move forward. But I have to tell you, what we are saying is, the draft transition plan deals specifically with the steps that are required to ensure that decentralization proceeds. Let me repeat that, because I know that is a big issue in the eastern Arctic. The draft transition plan deals specifically with the steps that are required to ensure that decentralization proceeds. It includes an estimate of approximately \$18 million as a one time associated cost for decentralization. In our view, this information will be critical to the office of the Interim Commissioner and the future Nunavut government to ensure that decentralization occurs as quickly and

efficiently as possible. I do not know how more to say it.

We spent a great deal of time crafting the statement and a sincere effort to try to answer some of the concerns that we feel are legitimate and would be out there. I think the other thing about the plan, and Mr. Picco talked about it earlier, the plan is a guide for action. It is not a perfect document. It does not contain all the answers. But it is on the table for debate. The next two and three weeks are going to be critical as we sit down in the partnership with the federal government and NTI and the Interim Commissioner to reach a consensus on what we are going to do, who is going to do it, who is going to pay for it and move on. I think that is really what it boils down to for me. It is reaching a compromise with all the parties as to what we are going to do. It may not be this model. I do not know. I think this is one of the better pieces of work I have seen come out of Mr. Voytilla's shop in a long, long time. Not that lots of stuff does not measure up well, Lew, but this is a good piece of work. I better be careful, because they will probably want more money. It is a good pragmatic report that shows the steps that are necessary to get the fundamental needs of a new government in place. That is all. It does not determine what the new ideology or how education or how health care or how economic development is going to adjust or how this is going to be developed. It just puts the essential ingredients in place. I would hope that the parties would see some value in this report. We take out of it what they see as value. Put aside what they do not. Then all of us come to an agreement on what we can accomplish, who is going to do it, and at the end of the day, make sure the federal government has sufficient dollars in the process to pay for it. That is all. Thank you.

CHAIRMAN (Mr. Ningark):

Mr. Ootes.

MR. OOTES:

Mr. Chairman, I move that we report progress.

CHAIRMAN (Mr. Ningark):

Thank you. I think the motion to report progress is timely. The motion is in order. It is not debatable. I will rise and report progress.

MR. SPEAKER:

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

ITEM 20: REPORT OF COMMITTEE OF THE WHOLE

MR. NINGARK:

Thank you, Mr. Speaker. Mr. Speaker, your committee has been considering Committee Report 08-13(4); Bill 4, Children's Law Act; Bill 5, Adoption Act; Minister's Statement 110-13(4), Transition Action Plan; and Tabled Document 108-13(4), Creation of Two New Territories and would like to report progress with ten motions being adopted and Bill 4, Children's Law Act is ready for third reading as

Page 1526

amended. Mr. Speaker, I move that the report of committee of the whole be concurred with. Thank you.

MR. SPEAKER:

Thank you, Mr. Ningark. Seconded by the Member for Baffin South. The motion is in order. To the motion. Question has been called. All those in favour of the motion? All those opposed? Motion is carried. Third reading of bill. Mr. Ng.

Bill 6: Child and Family Services Act

HON. KELVIN NG:

Thank you, Mr. Speaker. I move, seconded by the honourable Member for Aivilik that Bill 6, Child and Family Services Act be read for the third time. Thank you.

This bill reforms family law respecting the protection of children in the Territories by:

- setting out the principles by which the Act is to be administered, the paramount one being to promote the best interests, protection and well being of children;

- setting out a test to assist courts in determining the best interests of a child and providing that the determination must be made with a recognition that differing cultural values and practices must be respected;

- defining "child" as a person who is under the age, or appears to be under the age, of 16 years;

- allowing the Director of Child and Family Services to enter into agreements to provide services to families to support and assist them in caring for a child, and agreements to provide services to children who are between the ages of 16 and 18 years; inclusive, and cannot live with their parents to support and assist them in caring for themselves;
- providing for the establishment of a committee, in respect of a child who has been apprehended or about whom an investigation has been made, to make an agreement setting out a plan of care for the child;
- specifying that a plan of care agreement may provide for, among other things, the residence of the child, support services for the child's home, counselling, the responsibilities of the persons who sign the agreement and support for the child;
- allowing a person having lawful custody of a child or, if the child has attained the age of 12 years, the child to require that the matter proceed to court rather than to a plan of care committee;
- setting out the procedure for bringing a matter before the court;
- setting out the orders that a court may make after a hearing, including orders to grant access to the parent or person having lawful custody of the child and to approve a plan of care for the child;
- setting out the procedure for obtaining an order from a court approving medical treatment that is necessary to preserve the life of a child and the criteria to establish when the Director of Child and Family Services may, without such an order, authorize such medical treatment for a child who is apprehended;
- allowing a court to make an order for permanent custody of a child without finding the child in need of protection, where the child's parent delivers the child to a Child Protection Worker for the purposes of adoption;
- allowing orders placing a child in the temporary or permanent custody of the director of Child and Family Services to be extended from the time the child attains 16 years until the child attains the age of majority;
- allowing the Minister and one or more municipal or settlement corporations to enter in an agreement transferring responsibility for matters set out in the Act to the municipal or settlement corporation, designating a council of one of the municipal or

settlement corporations that are parties to the agreement to act for all corporations subject to the agreement and establishing a Child and Family Services Committee;

- allowing, subject to regulations, municipal or settlement corporations that have entered into a community agreement to establish community standards to be used in determining the level of care adequate to meet a child's needs and whether or not a child needs protection;

- stating that information received under the Act is confidential, but may be disclosed in certain circumstances or on order of a court.

MR. SPEAKER:

Thank you. The motion is in order. To the motion. Question has been called. All those in favour of the motion? All those opposed? Motion is carried. Bill 6 is at third reading. Item 21, third reading of bills. Mr. Clerk, Item 22, orders of the day.

ITEM 22: ORDERS OF THE DAY

CLERK OF THE HOUSE (Mr. Hamilton):

Mr. Speaker, meeting of the Western Caucus after adjournment this evening, and I am not sure about the Nunavut Caucus, Mr. Speaker.

Orders of the day for Friday, October 10, 1997:

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 -- ADJOURNMENT
13. Tabling of Documents
14. Notices of Motion
15. Notices of Motion for First Reading of Bills
16. Motions

Page 1527

17. First Reading of Bills
- Bill 23, An Act to Amend the Elections Act
 - Bill 25, Supplementary Appropriation Act, No. 2, 1997-1998
18. Second Reading of Bills
- Bill 24, An Act to Amend the Financial Administration Act
19. Consideration in Committee of the Whole of Bills and Other Matters
- Bill 3, Family Law Act
 - Bill 5, Adoption Act
 - Bill 15, An Act to Amend the Workers' Compensation Act
 - Committee Report 8-13(4), Report on the Review of the Family Law Bill
 - Minister's Statement 110-13(4), Transition Action Plan
 - Tabled Document 108-13(4), Creation of Two New Territories - Transition Action Plan
20. Report of Committee of the Whole
21. Third Reading of Bills
- Bill 4, Children's Law Act
22. Orders of the Day.

MR. SPEAKER:

Thank you, Clerk. This House stands adjourned to Friday, October 10 at 10:00 am.