



**NORTHWEST TERRITORIES  
LEGISLATIVE ASSEMBLY**

**5th Session**

**Day 41**

**13<sup>th</sup> Assembly**

**HANSARD**

**WEDNESDAY, MAY 27, 1998**

Pages 1433 - 1457

Page numbers reflect printed Hansard

The Honourable **Samuel Gargan**, Speaker

WEDNESDAY, MAY 27, 1998

Page 1433

**MEMBERS PRESENT**

Honourable Jim Antoine, Honourable Goo Arlooktoo, Mr. Barnabas, Mr. Enuaraq, Mr. Erasmus, Mr. Evaloarjuk, Honourable Sam Gargan, Mrs. Groenewegen, Mr. Henry, Honourable Stephen Kakfwi, Mr. Krutko, Mr. Miltenberger, Honourable Don Morin, Mr. Ningark, Mr. O'Brien, Mr. Ootes, Mr. Picco, Mr. Rabesca, Mr. Roland, Mr. Steen, Honourable Manitoq 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. Roland. Good afternoon. Orders of the day. Item 2, Ministers' statements. Mr. Morin.

**ITEM 2: MINISTERS' STATEMENTS**

Minister's Statement 107-13(5): Ministers Absent From the House

**HON. DON MORIN:**

Thank you, Mr. Speaker. I wish to advise the Members that the Honourable Charles Dent will be absent from the House for the remainder of the week to attend the Third National Forum on Education in St. John's, Newfoundland. Mr. Speaker, the Honourable Kelvin Ng will be absent from the House today due to illness. Mr. Speaker, I also wish to advise Members that I will be absent from the House on Friday, May 29th, to attend a meeting of Ministers responsible for Transportation and Highway Safety in Edmonton on behalf of the Honourable Jim Antoine.

**MR. SPEAKER:**

Thank you. Ministers' statements. I understand that Mr. Antoine and Mr. Kakfwi are just on their way from the airport. They will be here. Mr. Morin, are you going to do their statements?

Minister's Statement 108-13(5): Hook Lake Bison Recovery Project

**HON. DON MORIN:**

Thank you, Mr. Speaker. Yes, their plane was late so they will be here in a few minutes. Mr. Speaker, developing partnerships with community organizations is a key ingredient in the success of our wildlife management programs. Today, I am pleased to provide Members with an update on a successful management project in Fort Resolution involving the Department of Resources, Wildlife and Economic Development and the Deninu Ku'e First Nation.

For the past several years, community members have been working on a plan to repopulate the Hook Lake area with bison that are free from brucellosis and tuberculosis. There used to be several thousand bison in the Hook Lake area, but due to these diseases, the population is now only a few hundred animals. In the past three years, 62 healthy bison calves have been captured near Hook Lake and brought to a large corral near Fort Resolution. Here, they are tested, treated with antibiotics and vaccinated. The 22 calves that were captured this spring will be held for a year before they are released into a larger corral with 38 adults from previous captures.

Mr. Speaker, this year's capture marks the end of the first phase of this project. During the coming years, the 60 captive bison will be allowed to breed. In five years, there could be as many as 150 disease-free bison in corrals near Fort Resolution, enough to form the basis for a healthy herd which can be reintroduced into the Hook Lake area.

In the meantime, residents of the community will consider what to do with the remaining bison in the wild. Many are likely infected with brucellosis and tuberculosis, and until they are removed, the healthy animals captured during the past three years cannot be returned to their natural home.

Mr. Speaker, the Hook Lake Bison Recovery Project is another example of the government's leadership in effective, responsible wildlife management. It points to the success of working in partnership with community organizations such as the Aboriginal Wildlife Harvesters Committee, which is made up of the Deninu Ku'e First Nation and the Metis Nation Local. This project also demonstrates our commitment to providing a sustainable resource for future generations of northerners. Thank you, Mr. Speaker.

--Applause

**MR. SPEAKER:**

Thank you. Ministers' statements. Mr. Morin.

Minister's Statement 109-13(5): Small Boat Safety Awareness Program

**HON. DON MORIN:**

Thank you, Mr. Speaker. Again, this year I would like to ask the Members of the Legislative Assembly to help launch the Small Boat Safety Awareness Program for 1998. The program is an educational initiative aimed at improving public awareness of water and boating safety. Since 1995, the Department of Transportation has managed the program's delivery in the Northwest Territories for the federal Department of Fisheries and Oceans and Canadian Coast Guard. The Northwest Territories has the highest rate of drowning fatalities per capita in Canada. Many, if not all, of these drownings are preventable and prevention is the aim of the Small Boat Safety Program.

Each spring, people from the many organizations participating in the program attend the training seminar. The number of participating organizations has grown over the years to include the Departments of Municipal and Community Affairs; National Defence; Resources, Wildlife and Economic Development; the

Page 1434

Royal Canadian Mounted Police; the Canadian Red Cross; Sports North; NWT Canoeing Association; NWT Hunters and Trappers Association; NWT Coast Guard Auxiliary; the Yellowknife Fire Department and both Students Against Drinking and Driving groups at St. Patrick and Sir John Franklin High schools in Yellowknife.

The program enlists people in the communities to teach our young people about the importance and proper use of boating safety equipment, safe loading limits for passengers and cargo, as well as the use of a boat's power rating to match the boat and the motor properly. All our territorial schools are visited before summer begins. As the boating season progresses, meetings are held with Hunters and Trappers Associations, yacht clubs and the general public. Last year, the Small Boat Safety Program reached 20,000 people in 44 communities across the Northwest Territories.

The target audience for 1998 will again be our children. Most boating fatalities are alcohol related and involve young men between 16 and 35 years of age. The program directs its message at young people, so that as they grow up and before they reach the critical age group, safe boating is already part of their thinking.

You will remember PUKTA, the Water Safety Bear, from last year's program launch. The Canadian Coast Guard has adopted PUKTA as its mascot and PUKTA now appears regularly across Canada promoting water safety. Several Members of the Assembly made public service announcements that were broadcast through the boating season on TVNC and CBC North with great success. This year, there are already a variety of public service announcements related to water safety playing on television.

I am pleased to invite you to take part in the launching of the 1998 Program in the Great Hall during this afternoon's break. The presentation is centred on the viewing of some public service videos on water safety.

Mr. Speaker, the growing interest of communities in taking a greater part in the Small Boat Safety Awareness Program indicates its success. As the season progresses, you will see more and more communities taking the lead in encouraging water and boating safety in their areas. I know that Members are with me in hoping that the Small Boat Safety Awareness Program contributes to a safe, accident-free boating season this year. Thank you, Mr. Speaker.

--Applause

**MR. SPEAKER:**

Thank you. Ministers' statements. Mr. Morin.

Minister's Statement 110-13(5): Oil and Gas Activity in the Sahtu and Liard Regions

**HON. DON MORIN:**

Now that the Sahtu and Gwich'in land claims have been settled, oil and gas exploration in the Mackenzie Valley is well underway. The last three years have resulted in the awarding of 14 exploration licences, with selected companies proposing to spend a minimum of \$50 million over the term of their licences. Oil and gas exploration has also been occurring in the Liard region since 1994. Fourteen exploration licences have been awarded. This significant amount

of investment sends a very important signal of the resource potential of the region and its increasing role in the economic development of the Mackenzie Valley.

Over the last year, communities in the Sahtu and numerous oil companies have been negotiating land access and benefits agreements, as required by land claim settlements. Tulita has recently announced successful agreements with Cascade Oil and Gas and Imperial Oil. These agreements will pave the way for exploratory drilling to begin next winter.

In the Fort Good Hope region, the Department of Resources, Wildlife and Economic Development is mediating between the community and Alberta Energy on access to Alberta Energy's exploration licence. It is anticipated that an agreement can be reached in time for next winter's exploration season.

Mr. Speaker, the oil and gas industry is, and will continue to be, a critical driver of economic development in the Liard and Sahtu regions. Through the provision of meaningful benefits and the development of valuable infrastructures, communities in these regions will have more opportunities to grow and prosper. In the gas industry, the current development of the Ikhil gas field to supply natural gas to Inuvik is a successful example of northerners benefiting from northern resources. Mr. Speaker, our government will continue to look at new ways in which northern resources can be used to enhance other economic opportunities in the north. Thank you, Mr. Speaker.

**MR. SPEAKER:**

Thank you. Ministers' statements. Item 3, Members' statements. Mr. Krutko.

**ITEM 3: MEMBERS' STATEMENTS**

Member's Statement 437-13(5): Tribute to Arctic Co-operatives Limited

**MR. KRUTKO:**

Thank you, Mr. Speaker. I rise today to point out the successes and the accomplishments of the Arctic Co-operatives Limited which is a well-established organization across the Northwest Territories. First, I would like to take this time to thank the Arctic Co-operatives Limited and its affiliated companies for the assistance they gave to the community of Fort McPherson after the Co-op store was destroyed by fire. At the same time, I would like to thank the

residents of Fort McPherson for all the work and effort that has been done to ensure that the Co-op continues to operate and deliver good service to the people of Fort McPherson. Mr. Speaker, the Co-op has been in existence in the Northwest Territories for some 25 years, in which the pioneers of the Co-op had a dream of eventually maintaining and running Co-op stores which are owned and operated by the shareholders and the people in the communities. Mr. Speaker, Co-ops have served the people of the north well from the days of just running the store operations to now being into the cable industry and to fuel delivery, hotels to gas stations, you name it, they have played a role in developing our communities. Mr. Speaker, the Co-op is one of the leading employers of NWT aboriginal people. Today, they employ some 700 people in the Northwest Territories. They are owned and controlled by some 14,000 dedicated people as

Page 1435

shareholders of this corporation.

At the same time, I would like to pay tribute to those people who have pioneered and had the vision and ambition some 25 years ago to take the step of ensuring that there will be control, ownership and dedication by the people in the communities. One of the things that the Co-operative effort is presently doing and looking at is the wholesale and marketing of crafts, carvings and other artifacts that are made in the north and produced in the north for which they have established a retail operation and wholesale marketing distribution by establishing a store in Edmonton through Northern Images to sell northern products. With that, Mr. Speaker, I would like to thank the Co-op movement and the Arctic Co-operatives Limited for their efforts in ensuring that aboriginal people and the people of the north have a say in what happens in our communities. Thank you.

--Applause

**MR. SPEAKER:**

Members' statements. Mr. O'Brien.

Member's Statement 438-13(5): Unwarranted Criticism of the Nunavut Interim Commissioner's Office

**MR. O'BRIEN:**

Thank you, Mr. Speaker. Mr. Speaker, with little more than 300 days left before the official creation of

Nunavut, the pressure on our new government officials is at its peak. Mr. Jack Anawak, our Interim Commissioner, and the recently appointed deputy ministers and assistant deputy ministers will be sitting before a very full plate with their collective sleeves rolled up for the foreseeable future.

Mr. Speaker, I have every confidence that each of these individuals will do their best to meet their objectives, to oversee a smooth transition of government services, and carry out the daily responsibilities of the new Nunavut government. Yes, Mr. Speaker, there will be wrinkles and hurdles to overcome.

Unfortunately, there have been a lot of criticism and voices of doom from various quarters regarding our officials and their ability to meet the time lines and to get the new government up and running. Mr. Speaker, I cannot think of anything more destructive to the success of a new government than a barrage of negative comments and ongoing criticism unless, of course, it is constructive criticism.

Mr. Speaker, one only has to listen to the radio and watch television to see that even long established government and their Members have their differences and uphill battles in their efforts to provide effective and efficient government. Differences are to be expected, but they can and should be discussed in a respectful manner as they are usually resolved more effectively and in a friendly and cooperative environment. Mr. Speaker, I believe this is the Nunavut way.

Considering the daunting work load our Interim Commissioner and deputy ministers are facing, I think we should make every effort to work with them and support their staff. They are not, after all, merely sitting on their duffs doing nothing. Finally, Mr. Speaker, we need to keep an eye on the big picture, and that is Nunavut. Nunavut citizens have dreamed, planned and worked for a very long time to set up their own government. We cannot allow petty egos and resentments to slow down this process. After all, Mr. Speaker, the Nunavut dream is at our doorstep. Thank you.

--Applause

**MR. SPEAKER:**

Members' statements. Ms. Groenewegen.

Member's Statement 439-13(5): NorthwesTel Rate Subsidy Application

**MRS. GROENEWEGEN:**

Thank you, Mr. Speaker. Mr. Speaker, NorthwesTel, a telecommunications company wholly owned by Bell Canada, the largest company in Canada in terms of capitalization, recently stated that it needs an annual subsidy of between \$20 and \$30 million per year to continue providing phone services in the north after July 1, 2000.

July 1, 2000, Mr. Speaker, is when the telecommunications industry in the Northwest Territories reaches its first milestone in the long distance liberalization game. Long distance providers will be able to compete in NorthwesTel's operating area.

However, if you look at the numbers, the \$18 million accounts for \$2.5 million averaged annually in expended credits from 1991 to 1998. There are still unreported credits left. NorthwesTel netted \$13 million in 1996, and if it did not conveniently write down its cable division last fiscal year, it would have netted \$10 million. It is obvious that an annual \$2.5 million loss in deferred credit can be easily absorbed by NorthwesTel.

NorthwesTel must have become very comfortable operating as a monopoly. It has requested that Canada's telecommunications company and even the federal government should pay into a national fund aimed at subsidizing service in Canada's high cost regions. I say to NorthwesTel, welcome to reality. Most northern businesses are built on sweat and prowess of determined and insightful entrepreneurs. The telecommunications business should not be any different.

Mr. Speaker, northern business people do not go hat in hand to the government every time there is new competition in town. Northern businesses face competition every day, locally and extra territorially. If anyone deserves an operational subsidy, Mr. Speaker, it would be northern businesses who have been paying the exorbitant rates we have for our phone services for many, many years. If NorthwesTel cannot maintain local services, then I am confident that there is someone out there who can. The more I analyze their proposal, the more apparent it is that NorthwesTel... Mr. Speaker, I would like to seek unanimous consent to continue my statement. Thank you.

**MR. SPEAKER:**

The Member for Hay River is seeking unanimous consent to conclude her statement. Do we have any nays? Mrs. Groenewegen, you have unanimous consent.

**MRS. GROENEWEGEN:**

Thank you, Mr. Speaker. The more I analyze their proposal, the more apparent it is that at NorthwesTel, panhandling is a mission statement, competition is a four-letter word and squander is an everyday management tool.

Mr. Speaker, technological progress in the telecommunications industry means that monopolies, government control and protected markets are no longer sustainable. Mr. Speaker, I am going to shorten my statement here just to get to the end of it. Mr. Speaker, I believe there will be many comments and discussion on this subject, and I think it is a good one that we debate, but I believe that the government should do NorthwesTel a favour by telling them to face up to the market conditions. Mr. Speaker, I want to tell NorthwesTel that denial is not just a river in Egypt. Thank you, Mr. Speaker.

--Applause

**MR. SPEAKER:**

Thank you, Mrs. Groenewegen. Members' statements. Mr. Ningark.

Member's Statement 440-13(5): Concerns Regarding State of Education in the NWT

**MR. NINGARK:**

Thank you, Mr. Speaker. Mr. Speaker, for the past two days, we have been discussing and debating the state of education in the NWT. All indications seem to point out that things have not been good in the NWT for the past ten years, although some Members have reported positively that we have come a long way. I think it is important to point out that we may have some serious problems in the area of education.

Mr. Speaker, some of the rationale has pointed out why things have not progressed as they should in the area of education. In the report we have received from Members, leaders, parents and politicians, some are more compelling than inspiring, vice versa. Mr.

Speaker, some Members have indicated that some improvisations have to be made or conceded in order to deliver basic or special education. I think we have to think and realize what is happening in education. Some of the indications that came out from Members in the area of inadequacy of funds, erosions, Mr. Speaker, of pay and benefits to staff, overcrowding in the classrooms, language programs not meeting the need in schools, and there are no or hardly any prospects of graduates having to find a job in the end after their graduation.

We have to ask the questions. What is the problem here, Mr. Speaker and what are we willing to do as politicians? Perhaps each of us can give a little to the future of education, whatever volumes it holds, whatever it is perceived to be. Thank you.

--Applause

**MR. SPEAKER:**

Members' statements. Mr. Evaloarjuk.

Member's Statement 441-13(5): Sudden Deaths in the Amittuq Constituency

**MR. EVALOARJUK:**

(Translation) Thank you, Mr. Speaker. Mr. Speaker, I would like to update my fellow colleagues about the trends that have been occurring in our community this past week. First, a member of the Pond Inlet community, Nellie Sangoya, passed away in the hospital in Edmonton. Her relatives, husband, children, brothers and sisters, I feel for all of them, but it cannot be helped. The other announcement I have is in my own community of Igloodik, a young man named Joda Ukaliannuk had committed suicide just this morning. This young man was my nephew. I would like to pass this information on to my fellow MLAs and I ask that we pray and send our condolences to the families involved. Thank you. (Translation ends)

**MR. SPEAKER:**

Thank you, Mr. Evaloarjuk. Members' statements. Mr. Henry.

Member's Statement 442-13(5): Range Lake Low Water Level

**MR. HENRY:**

Thank you, Mr. Speaker. Mr. Speaker, last night there was a meeting held in Yellowknife for residents to discuss the issues surrounding low water levels in one of the lakes within the city. The meeting was organized by the city of Yellowknife's Department of Public Works for residents to discuss the current Range Lake water level. Mr. Speaker, the gate which controls the lake's water level was accidentally left open which resulted in water running out of the lake this spring. This caused a reduction in the lake's water level.

The lake is in the midst of a residential area in my constituency. Residents of the area have many immediate concerns about this situation, ranging from a foul stench around the lake where there is now exposed bed lake, lack of sufficient water levels to cover previously water filled areas, potential harm to water fowl which inhabit this area, and most importantly, a potential health risk due to emissions of arsenic and now exposed sediment. Mr. Speaker, the residents' concerns are all genuine and must be addressed with satisfactory answers found.

Prior to this meeting, I was made aware of some of the concerns on this matter by area residents. I also know that as of yesterday, concerns have been brought to the offices of Minister Ng and Minister Kakfwi as their offices and mine have received letters from area residents outlining their concerns. At the meeting last night, the city of Yellowknife committed to the residents to refill the lake up to acceptable levels and continue to monitor this level. Mr. Speaker, I also had discussions with Mr. Brad Colpitts. He is manager of Environmental Health for Yellowknife Health and Social Services who has also assured me that there is no immediate risk or hazard to residents of the area. His department is continuing to monitor the situation and is working with the city to bring the matter to a close. From discussions with the director of Public Works and Services within the city of Yellowknife, Mr. Gary Craig, I am also confident and assured that the city of Yellowknife is doing their utmost to replenish the water levels of this lake which, Mr. Speaker, will also eliminate any perceived potential health risk to residents and return the water levels to the previous state. Thank you, Mr. Speaker.

Page 1437

**MR. SPEAKER:**

Thank you. Members' statements. Mr. Miltenberger.

Member's Statement 443-13(5): Global Climate Change

**MR. MILTENBERGER:**

Thank you, Mr. Speaker. Today I would like to briefly speak to the issue raised by the Minister of RWED a couple of days ago in the House when he made a Minister's statement on global climate change. I do not think this particular Minister's statement and issue has received the attention it deserves in the Northwest Territories. This is a situation that has worldwide implications. I have raised it in the House before, as well, in terms of the need to control our carbon gas emissions and the need for energy planning and energy strategies at a time when costs are rising and greenhouse gases are having a significant detrimental effect on our environment. I think that is fairly obvious when you look at the news reports on the growing hole in the ozone layer over the Arctic which puts all of us at risk and increases the chances of cancer and any number of other negative implications.

Mr. Speaker, because of our cold climate, the NWT is one of the heaviest users of petroleum products on a per capita basis. As a result, we are also one of the biggest emitters of carbon gases which contribute to the whole problem of greenhouse gases and things like the ozone layer. As the Minister indicated, Mr. Speaker, I would just like to quote from his statement, "A recent forecast conducted by my department indicates that in the Northwest Territories alone, if action is not taken, emissions could be 30 percent higher in 15 years' time. That figure could be even higher with the development of our oil and gas reserves." This has tremendous implications for any planning that we do, the kind of energy strategies we need in our territory, in the east and west, we have an incredible dependence on petroleum products. It is going to be critical for this Legislature and the new Legislature of Nunavut to come to grips with this. In the west, I am going to be pushing very hard for a territory-wide energy strategy that is going to address not only consumption, but what do we do to control these emissions? There is going to be worldwide pressure on Canada by virtue of the fact that we are a northern country and we use so many petroleum products, especially compared to the rest of the known world. We all have a responsibility, as northerners, to deal with this issue for our own sakes. Thank you, Mr. Speaker.

--Applause

**MR. SPEAKER:**

Thank you. Members' statements. Mr. Roland.

Member's Statement 444-13(5): Turning Point Alcohol and Drug Facility

**MR. ROLAND:**

Thank you, Mr. Speaker. Mr. Speaker, Turning Point in Inuvik has gone through many difficult times and changes over the last number of years. Turning Point used to be called Delta House, a drug and alcohol facility which was closed down due to the downsizing within our government. The Turning Point staff and the Inuvik Alcohol Committee Board have worked hard to reorganize and restructure to try and provide a program that would continue to benefit the residents of the community, as well as keep some of the workers employed. They refocused and turned toward early release programs with the corrections facilities in the territories. When things looked like they were out of the woods, recently some distressing news came my way that a number of employees had received temporary layoff notices due to the lack of inmates or early release of people coming out of facilities going into their program. I had forwarded this concern on to the Minister of Justice and I would like to thank him for looking into this matter. I would also, later on, like to ask him a number of questions to try and get more information. I would like to commend the board and the staff of the Turning Point. They have come a long way and I hope that we will see them succeed in providing services for those people who are most in need and to try to reintegrate those coming out of our correctional facilities in the community of Inuvik. Thank you, Mr. Speaker.

--Applause

**MR. SPEAKER:**

Thank you. Members' statements. Mr. Rabesca.

Member's Statement 445-13(5): Promotion and Usage of Official Languages

**MR. RABESCA:**

Thank you, Mr. Speaker. Mr. Speaker, today I rise to express my concern over the lack of use of all of our official aboriginal languages in public by our leaders. I agree with the Language Commissioner's Report, as we leaders do not use or promote our languages as much as we should. To this end, I can say that I do not use my language as often as I should as a leader.

Considering most of my life, I have promoted and used my language as a communicator, as well as to ensure that my family does not lose this valuable piece of our culture.

It is important to know your language, so that we can communicate with elders to learn the old ways and stories, as well as, to know our roots and where we come from. Language, in all forms, is one component that makes up our diverse cultures and by having this government recognize the eight different languages as official languages is an important part of our lives. However, to ensure our languages do not die, we must use and promote them in public whenever we can. I also realize that with this government's cutbacks, we have allowed our language programs to suffer. It is up to us as leaders to ensure our future generations know and use our languages. Thank you, Mr. Speaker.

--Applause

**MR. SPEAKER:**

Members' statements. Mr. Ootes.

Member's Statement 446-13(5): Reflections on Good Government

**MR. OOTES:**

Thank you. Mr. Speaker, I want to talk today about good government. Good government means public service renewal is urgent. No government can realize its objectives without the support of a dynamic and supportive civil service. Yet, as we all know and have observed, our public

Page 1438

service is under great stress. This is not surprising.

Over the past two and a half years our public service has taken a great deal of the brunt of our difficulties, whether it has been the budget cutting exercise, the division issue or the ongoing pay equity issue.

Number two, good government also means financial health, not just a balanced budget. Just because there is a balanced budget does not mask the fact that we have a disturbing economic picture on our hands. Just look at our housing needs, demands for more money for education and the need for jobs.

Finally, good government is about: openness, transparency and accountability. The government



has introduced many new programs such as: P3 Initiatives, new contracting processes, down loading of services through community empowerment. As we move further and further away from the traditional ways in which things were done, the questions of democratic accountability, openness and transparency come repeatedly to the fore.

What about responsiveness? The government has not been open about many of the motions and questions we have introduced and asked, some of which are no doubt thorny, but they need to be asked and they need to be answered. For example, on Monday, I made a statement and followed up with questions about money in the budget that are now P3 projects. Mr. Todd told me to read my mail. Mr. Speaker, I read my mail. How can I read my mail when it lands on my desk a half an hour after I come into this House?

Improved accountability, a renewed public service, sensitivity to our motions and questions and concerns go to the heart of my comments today and while we need to focus on matters of long-term significance to the health of northern democracy. Thank you, Mr. Speaker.

--Applause

**MR. SPEAKER:**

Thank you. Members' statements. Mr. Picco.

Member's Statement 447-13(5): Equitable Division of Assets and Liabilities

**MR. PICCO:**

Thank you, Mr. Speaker. Mr. Speaker, considerable time and effort have been put into discussions surrounding the NWT Power Corporation. Recently, public hearings were held in Iqaluit and Yellowknife. Because of concerns with the process of what to do with the Power Corporation after division, the legislation proposal has been delayed.

Mr. Speaker, maybe we should review some of the history of the Power Corporation. Basically, the Northern Canada Power Commission was set up to provide electricity to northern residents and was a federal Crown corporation. Today, the NTPC is a territorially controlled corporation that delivers an essential service to all residents of the Northwest Territories. Some would have us believe that the Power Corporation's customers in the west are subsidizing Nunavut communities. Yesterday, the

Minister responsible said, and I quote from the unedited Hansard: "Western communities are in no way subsidizing any Nunavut communities." That is from the unedited Hansard from yesterday, Mr. Speaker.

The Power Corporation is owned by all territorial residents. It was paid for by all residents. A majority of territorial residents voted for division. We did not vote to treat one area of the territories differently or unfairly. We decided as residents, endorsed by a public vote, to divide, Mr. Speaker, to divide equally. Mr. Speaker, that includes liabilities and, Mr. Speaker, that includes assets like the Power Corporation. Mr. Speaker, it is time to move past east/west rhetoric and do what is right for all residents - east and west. The Power Corporation is an asset shared equally by all residents. That is what has to be remembered after division. Thank you, Mr. Speaker.

--Applause

**MR. SPEAKER:**

Members' statements. Item 4, returns to oral questions. Mr. Todd.

ITEM 4: RETURNS TO ORAL QUESTIONS

Return To Oral Question 536-13(5): GNWT Final Settlement Offer

**HON. JOHN TODD:**

Thank you, Mr. Speaker. Return to an oral question asked by Mr. Erasmus on May 25, 1998, with respect to red-circling under the proposed collective agreement.

The Final Settlement Offer includes the following paragraph describing what happens to employees who are red-circled:

-Employees whose March 31, 1998 salaries are greater than the salaries on the new pay schedules will have their current salary level protected by a conversion salary. This conversion salary will make up the difference between their March 31, 1998 salary and their salary on the new pay plan and will be received in addition to their base salary. As employees progress through the steps on the new grid, this conversion salary will continue to be added to their base salary.

Future increases to the new pay grid will correspondingly reduce the conversion salary, therefore gradually eliminating it.

Red-circling will work as follows:

1. If an employee's rate of pay under the proposed new job evaluation system is less than their current rate of pay at the same step on their pay range (i.e., if an employee is at step 3, and step 3 in the new pay range for the position is lower than the employees' current pay) then the new rate of pay for the employee remains the same as their current pay under the old system, but is calculated as follows:

April 1, 1998 pay = rate in new pay plan + (old rate pay - new rate of pay)

Page 1439

For example:

Custodial Worker - Currently at Pay Level 12, Step 4 - Current Salary \$36,383

Step 3 old range - Step 3 new range = \$36,383 - \$34,828 = \$1,555.00 (conversion pay)

April 1, 1998 pay = \$36,383

In addition, employees who are red-circled will receive a 2% increase in pay in 1998-99 as outlined below:

Employees whose March 31, 1998 annual salaries are greater than the April 1, 1998 annual salaries will be paid an annual amount equivalent to 2% of their March 31, 1998 annual salaries which will not be added to their March 31, 1998 salaries but which will be paid in bi-weekly instalments for the period of April 1, 1998 to March 31, 1999.

April 1, 1998 pay = \$34,828 + \$1,555. (conversion pay) + 2%

April 1, 1998 pay = \$36,383 + \$727.66

April 1, 1998 pay = \$37,565.66

In addition, this employee will also be eligible for an annual increment in the year. The increment does not reduce the conversion salary.

**MR. SPEAKER:**

Returns to oral questions. Item 5, recognition of visitors in the gallery. Mr. Ningark.

## ITEM 5: RECOGNITION OF VISITORS IN THE GALLERY

**MR. NINGARK:**

Thank you, Mr. Speaker. It is a pleasure to recognize in the gallery senior administrative officer, Mr. Elwood Johnston, the most qualified person money can buy with Canadian dollars.

--Applause

**MR. SPEAKER:**

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

**MR. BARNABAS:**

Thank you, Mr. Speaker. Mr. Speaker, I would like to recognize Leah Kadluk, mayor of Grise Fiord, her daughter, Caroline, and grandchildren, Katie and Gamailie Akeegok. Thank you, Mr. Speaker.

--Applause

**MR. SPEAKER:**

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

**HON. JIM ANTOINE:**

Thank you, and good afternoon, Mr. Speaker. Mr. Speaker, I would like to take this opportunity to recognize several Canadian Coast Guard officials who are visiting us here in the Legislative Assembly today. Mr. Speaker, these gentlemen work for the Coast Guard Central and Arctic Region and are here to meet with our officials on the partnership on Marine Initiatives as well as to continue to promote and support safe and effective marine transportation across the north. Mr. Speaker, I would like to introduce Mr. Jim Quinn, he is the Regional Director; Mr. Dennis St. Jacques, Director of Programs; Mr. Chris Hawksworth, Director of Operations; Mr. Michele Paulin, Director of Technical Support Service; Mr. Ross MacDonald, Director of Arctic Affairs office. As well, Mr. Speaker, Ms. Sue MacDonald, from the Office of Boating Safety should be up there as well. Thank you.

--Applause

**MR. SPEAKER:**

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

#### ITEM 6: ORAL QUESTIONS

Question 555-13(5): Keewatin Airport Transfer Project

#### MR. O'BRIEN:

Thank you, Mr. Speaker. Mr. Speaker, my question is directed to the Minister responsible for Transportation and is in regard to the transfer of Arctic airports. Mr. Speaker, could the Minister tell the House exactly what are the criteria communities must meet and also what resources they would need in order to successfully take on this responsibility? Thank you.

#### MR. SPEAKER:

The Minister of Transportation, Mr. Antoine.

Return To Question 555-13(5): Keewatin Airport Transfer Project

#### HON. JIM ANTOINE:

Thank you, Mr. Speaker. Mr. Speaker, that is somewhat of a detailed question of exactly what the criteria and resources are. I do not have that information at my fingertips. I will have to take this question as notice. Thank you.

#### MR. SPEAKER:

The question is taken as notice. Oral questions. Mr. Krutko.

Question 556-13(5): Arctic Co-operative Marketing Strategy

#### MR. KRUTKO:

Thank you, Mr. Speaker. My question is to the Minister of Economic Development, Mr. Kakfwi. It is in regard to my Member's statement about the Arctic Co-operatives Movement. One of the initiatives that the Co-operatives Movement has undertaken is the whole area of marketing strategy of arts and crafts across the Northwest Territories. I would like to ask the Minister, what efforts or initiatives has his department undertaken to ensure that this is streamlined along with his department on the marketing of arts and crafts in the Northwest Territories to benefit all people and communities in the Northwest Territories?

#### MR. SPEAKER:

The Minister of Resources, Wildlife and Economic Development, Mr. Kakfwi.

Return To Question 556-13(5): Arctic Co-operative Marketing Strategy

#### HON. STEPHEN KAKFWI:

Thank you, Mr. Speaker. The Co-operative Movement is a part of the economic framework in the

Page 1440

communities throughout the north. Many of the activities that we undertake lead to production of goods that require marketing strategy. It has been our work through the Development Corporation and through the department to assist in developing overall economic strategy as well as marketing strategy specifically to move along goods that we have produced over the years. For instance, in some cases, we have produced quality goods only to have them stocked in warehouses in southern Canada because we have made a great plan on production, but no plan and subsequent work to make sure that there was a market and marketing strategy in place to get these out to the public. We have been working the last couple of years through the Development Corporation and through the department with the Co-operatives and the subsidiaries of the NWT Development Corporation to address this deficiency. Thank you.

#### MR. SPEAKER:

Oral questions. Supplementary, Mr. Krutko.

Supplementary To Question 556-13(5): Arctic Co-operative Marketing Strategy

#### MR. KRUTKO:

Thank you, Mr. Speaker. In regard to the whole area of marketing, the reason I asked the question is there two institutions in my riding, the Aklavik Fur Shop and also the Fort McPherson Canvass Shop, which make quality products, but I think we have to start linking it to the whole marketing, as the Minister stated, where we seem to be lacking. The reason I asked the question of the Minister is, is there a report or basically, a marketing strategy or plan which is presently being developed in-house through his department in relation to marketing of northern crafts

and products through the Arctic Co-operative Institute?

**MR. SPEAKER:**

Mr. Kakfwi.

Further Return To Question 556-13(5): Arctic Co-operative Marketing Strategy

**HON. STEPHEN KAKFWI:**

Thank you, Mr. Speaker. There is not a single document which I can provide for the Member that would provide the information he is seeking. I think I can prepare some sort of paper which could summarize in general terms the approach we are taking to this problem. The NWT Development Corporation has been reorganizing for the last two years some of the goods that they have historically produced through subsidiaries have been assessed as to whether or not there is actually a market for the things. A classic case is moccasins made by Dene craft people. We produce literally hundreds and hundreds of moccasins. They flood the stores for a certain price. The question comes up, is that really what the southern market is interested in or would they be more interested in some sewing to hang on the wall that is the sewing part of the flower designs and have those produced on a smaller scale for wall hangings or place mats. These types of questions have been asked.

We produce tents in Fort McPherson, but we do not have a reliable client who says we will require so many of a certain type of your goods every year. We look for it and we have been looking throughout Europe and the United States for markets and we are trying to identify ones which we can realistically accept, knowing that we can meet the requirements of the people whom we are dealing with. The Co-operative movement would be another agency that you would have to actually inquire as to their strategies in dealing with marketing of the goods that are produced. I can produce a summary document that would explain the work we have been doing and marketing for the Development Corporation for the last couple of years. Thank you.

**MR. SPEAKER:**

Oral questions. Supplementary, Mr. Krutko.

Supplementary To Question 556-13(5): Arctic Co-operative Marketing Strategy

**MR. KRUTKO:**

Thank you, Mr. Speaker. That is exactly the point I am trying to get at, is that there has to be more initiatives made by this government to work along with organizations such as the Arctic Co-operative Limited, aboriginal organizations and the Development Corporation to assist us in regard to what they do best, which is basically selling products. I think we are good at making them, but we have to have someone out there to do the selling where there are a lot of stores throughout the Northwest Territories. We have to start taking advantage of the experience and the skill that these organizations have in regard to the Arctic Co-operatives Limited who has been here for 25 years. It has taken them years and years to develop that skill and quality, so I think it is important. If the Minister can tell me or report back to this House on the number of initiatives that have been taken not only with the Arctic Co-operatives Limited but other institutions and agencies such as aboriginal corporations? Can you do that?

**MR. SPEAKER:**

Mr. Kakfwi?

Further Return To Question 556-13(5): Arctic Co-operative Marketing Strategy

**HON. STEPHEN KAKFWI:**

Thank you, Mr. Speaker. I would be pleased to provide a prepared document that would explain what the difficulty is and some of the ways in which we are trying to address the particular problem we face, how we think it can be resolved and how the Co-operative movement is addressing it as well. We would be prepared to look at it and provide detail with the different initiatives and projects and development corporations we have, and subsidiaries across the north. Thank you.

**MR. SPEAKER:**

Oral questions. Mrs. Groenewegen.

Question 557-13(5): Telecommunication Services in the NWT

**MRS. GROENEWEGEN:**

Thank you, Mr. Speaker. Mr. Speaker, my question today is for the Minister responsible for telecommunications. Mr. Speaker, on February, 1997, 69 first-world and developing countries agreed

to liberalize their basic telecommunication services under the general agreement on trade and

Page 1441

services, negotiated through the World Trade Organization. Most participants in the agreement, including Canada, subscribed to a pro-competitive regulatory principal. How will NorthwesTel's request for this \$30 million subsidy be reconciled in view of the general agreement on trade and services signed by Canada and 68 other countries? Thank you, Mr. Speaker.

**MR. SPEAKER:**

The Minister responsible for Public Utilities. I am not too sure. Could I get some direction from the Premier, please?

**HON. DON MORIN:**

Thank you, Mr. Speaker. Mr. Antoine will answer that question. Thank you.

**MR. SPEAKER:**

Thank you. The Minister responsible for Public Works and Services, Mr. Antoine.

Return To Question 557-13(5): Telecommunication Services in the NWT

**HON. JIM ANTOINE:**

Thank you, Mr. Speaker. Mr. Speaker, the honourable Member was talking about a World Trade Organization motion, which I am not aware of. It is not a document tabled in the House, so I am not familiar with the document. However, understanding the Member's statement in regard to NorthwesTel requesting additional support to carry on the service of providing telephone services in the north, I just wanted to perhaps, do some background to put it in context so it is understood where they may be coming from.

Mr. Speaker, the CRTC initiated the process in early 1997, on the introduction of long distance competition for NorthwesTel's operating area. The Government of the Northwest Territories is registered as an interested party. In June of that year, CRTC conducted hearings in Yellowknife and the Minister of the day made verbal presentations, stating the views of this government and as well, followed through with a written formal position in October.

The Government of the Northwest Territories indicated support for this long distance telephone competition in the north, as long as every citizen in the Northwest Territories continues to have access to affordable long distance telephone service.

The government also called for a way to subsidize high cost service areas, most likely to come from the long distance revenues from telephone companies themselves. This may be the area where NorthwesTel is finding difficulty in trying to deal with long distance competition and at the same time, provide local services in the smaller communities, as they do both now. As long distance competition comes in, then are they going to be able to continue to be able to provide services at the community and regional levels?

As a result of discussion, there is a process in place now, Mr. Speaker. As a result of the discussions and the decision that was issued by the CRTC in February, local access rates will be increased in 1998 and 1999 in order to allow NorthwesTel to prepare for long distance competitions which will begin July 1, 2000. Before that date, there will be a CRTC process on deciding the actual detailed terms of competition such as what rate the long distance providers must pay Northwestel for access to their system. The increase in local rates is to be balanced by a decrease in long distance rates in 1998/1999. This change should not cost this government any extra money. However, it is going to cost more for people at a community level to use telephone service. The process that I mentioned was introduced by the CRTC, issued Public Notice, calling for consideration of issues associated with providing telecommunication service to high cost areas. All the telephone companies in Canada are involved. At stake is the potential establishment of a national fund to be used in subsidizing high cost serving areas such as the Northwest Territories and our smaller communities.

The Government of the Northwest Territories is very much involved in these proceedings and submitted a formal position supporting the introduction on competition, provided that a high cost serving area fund is established. This government believes that without such a fund, competition could place a financial burden on Northwestel that could put at risk the local and long distance telephone services now available in our remote communities. I think that, Mr. Speaker, trying to put this issue in context is perhaps where the honourable Member is coming from. Thank you.

**MR. SPEAKER:**

Thank you. Oral questions. To remind the Members about written questions and oral questions that if the Members require detailed, long responses then, I ask that you consider it as a written question. Supplementary, Mrs. Groenewegen.

Supplementary To Question 557-13(5):  
Telecommunication Services in the NWT

**MRS. GROENEWEGEN:**

Thank you, Mr. Speaker. I believe that Mr. Antoine may have had this within his answer some place, but could I find out, please, what this government's position is on the subsidy proposal for Northwestel?

**MR. SPEAKER:**

Mr. Antoine.

Further Return To Question 557-13(5):  
Telecommunication Services in the NWT

**HON. JIM ANTOINE:**

Thank you, Mr. Speaker. Mr. Speaker, in our presentations to the CRTC hearings last year, the government's position was that we took a formal position, supporting the introduction of competition as well as that a fund be established for providing the high cost serving areas. In a way, that may be a way of subsidizing NorthwesTel's request for this subsidy. Thank you.

**MR. SPEAKER:**

Oral questions. Supplementary, Mrs. Groenewegen.

Supplementary To Question 557-13(5):  
Telecommunication Services in the NWT

**MRS. GROENEWEGEN:**

Thank you, Mr. Speaker. It would appear that there has been a subsidy in some remote and rural areas for the past seven years. It would appear that a subsidy of approximately \$2.5 million per year was ample to address that. Does the Minister know why NorthwesTel projects that with the introduction of long distance competition, they are going to require \$30 million worth of subsidies? Thank you, Mr. Speaker.

Page 1442

**MR. SPEAKER:**

Mr. Antoine.

Further Return To Question 557-13(5):  
Telecommunication Services in the NWT

**HON. JIM ANTOINE:**

Thank you, Mr. Speaker. Mr. Speaker, I do not know why NorthwesTel wants \$20 million. I am just going to speculate that if long distance competition comes in and an outside company would probably grab the lucrative long distance market in our major communities that would leave the outlying smaller communities without a way of subsidizing their operation as it currently is. I am just speculating on that. Thank you.

**MR. SPEAKER:**

Oral questions. Final supplementary, Mrs. Groenewegen.

Supplementary To Question 557-13(5):  
Telecommunication Services in the NWT

**MRS. GROENEWEGEN:**

Thank you, Mr. Speaker. It does not sound like NorthwesTel is very optimistic about their fortunes when competition arrives. In fact other large monopolistic companies have had to sharpen their operations and have done very well in competitive market places in other jurisdictions. Would the Minister concede or acknowledge that competition may actually lower costs to consumers and actually improve local and regional service as has been proven when monopolies have been challenged by competition in other areas in the past? Thank you, Mr. Speaker.

**MR. SPEAKER:**

Mr. Antoine.

Further Return To Question 557-13(5):  
Telecommunication Services in the NWT

**HON. JIM ANTOINE:**

Thank you, again, Mr. Speaker. Mr. Speaker, whenever there is competition, the competitors normally sharpen their pencils and try to become competitive in the area of providing programs and services, in this case telephone services to the residents of the Northwest Territories. Within our small communities, we have high cost operations and

without having long distance competition in there as well as the local services, there might be a problem. NorthwesTel is here. It is already established. Depending on what happens, when this competition comes in, they are in a very good position having been here already. Knowing the system, they may be in a position to be competitive. Thank you.

**MR. SPEAKER:**

Oral questions. Mr. Ningark.

Question 558-13(5): Addressing Education Concerns

**MR. NINGARK:**

Thank you, Mr. Speaker. Mr. Speaker, my question is directed to the leader of the Executive Council, the Premier. As I indicated in my Member's statement, earlier, the last two days we have discussed and debated the state of education in the NWT. I think the exercise, Mr. Speaker, was good which reflects the state and importance of education. Some Members speeches were, as I indicated, more compelling rather than aspiring, but the objective, Mr. Speaker, having heard the concern from Members, are the Premier and his Cabinet Ministers planning or in the process of planning to address the serious consideration of education in the NWT? Thank you.

**MR. SPEAKER:**

Mr. Premier.

Return To Question 558-13(5): Addressing Education Concerns

**HON. DON MORIN:**

Thank you, Mr. Speaker. As all Members know that, soon, we will be in the process of planning two new budgets for two territories. The Members are concerned about education, housing, economic development and many other issues. Members have raised concerns and made some very good comments these past few days. We will take those into consideration, and I hope the Members take those into consideration when they review those budgets as well. Thank you.

**MR. SPEAKER:**

Oral questions. Supplementary, Mr. Ningark.

Supplementary To Question 558-13(5): Addressing Education Concerns

**MR. NINGARK:**

Thank you, Mr. Speaker. Mr. Speaker, we have heard about the current state of education whereby teaching staff are resigning left, right and centre and whereby improvisation, Mr. Speaker, has to be made because the resources are not there to deliver basic special education. Is the Minister willing to look at the current state and do something about it?

**MR. SPEAKER:**

Mr. Morin. Two questions.

Further Return To Question 558-13(5): Addressing Education Concerns

**HON. DON MORIN:**

Thank you, Mr. Speaker. As the Member is aware, we spend approximately \$300 million on education now, as a government. The Minister of Finance is in charge of staff housing in the Northwest Territories. They are selling off that housing. They said if it is needed, we would look at those cases, community by community, and we are willing to do that. Thank you.

**MR. SPEAKER:**

Thank you. Oral questions. Mr. Picco.

Question 559-13(5): Potential Increase in Market Rents

**MR. PICCO:**

Thank you, Mr. Speaker. Yesterday, I had asked the Minister for the FMBS about a concern in Iqaluit of the potential major increase in market rents leased by the GNWT after division. Mr. Speaker, the Minister told me that he would have an answer for me today. Thank you, Mr. Speaker.

**MR. SPEAKER:**

The questions were asked yesterday. Today is a new day. Mr. Picco, do you wish to ask your question to the proper Minister?

Supplementary To Question 559-13(5): Potential Increase in Market Rents

Page 1443

**MR. PICCO:**

Thank you, Mr. Speaker. It is a new day. Mr. Speaker, yesterday, I had asked the Minister of FMBS, Mr. Todd, a concern I had with the potential major increase of market rates leased by the GNWT in Iqaluit and what the government is going to do about these leases after December 31, 1998. I wonder if the Minister could update us today on that situation?

**MR. SPEAKER:**

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

Further Return To Question 559-13(5): Potential Increase in Market Rents

**HON. JOHN TODD:**

I believe that we are prepared to commit to extending the program we currently have until March 31, 1999.

**MR. SPEAKER:**

Oral questions. Supplementary, Mr. Picco.

Supplementary To Question 559-13(5): Potential Increase in Market Rents

**MR. PICCO:**

Thank you, Mr. Speaker. Mr. Speaker, just for clarification purposes, the Minister is saying that in writing or somehow he is going to be informing the people who are maintaining those units and also the people who are leasing it to them that, indeed, the current program will be in place up until and including December 31, 1999; is that correct? Thank you, Mr. Speaker.

**MR. SPEAKER:**

Mr. Todd.

Further Return To Question 559-13(5): Potential Increase in Market Rents

**HON. JOHN TODD:**

My honourable colleague is so eloquent. Yes, he is correct.

**MR. SPEAKER:**

Oral questions. Mr. Roland.

Question 560-13(5): Possible Closure of Turning Point Centre

**MR. ROLAND:**

Thank you, Mr. Speaker. Mr. Speaker, as in my Member's statement, the issue of Turning Point has come up in the community I represent, Inuvik, once again with concerns of possible closure and layoff of staff. I would like to thank the Minister for responding to my earlier concerns. I would like to know at this point from the Minister if the department is willing to work with the board of Turning Point to try to come to reasonable agreement on how clients would be assessed and referred to the facility? Thank you.

**MR. SPEAKER:**

Minister of Justice, Mr. Arlooktoo.

Return To Question 560-13(5): Possible Closure of Turning Point Centre

**HON. GOO ARLOOKTOO:**

Thank you, Mr. Speaker. I do acknowledge the fact the MLA has been working closely with us in trying to deal with this issue. I want to assure the Member that I, as a Minister in the government, am very interested in keeping the facility open. We are working closely with the management staff of Turning Point, in particular with the executive director. We are in the process of sending our Director of Corrections, Mr. John Dillon, up to Inuvik next week to discuss what options they may have. The main issue here is the shortage of clients that fit the criteria in the correctional system. We are trying to work on the problem on two fronts. One is to ensure that as many potential clients know of the program as possible and also to try to look at the criteria itself and see if there are changes we can make to it to open it up to more offenders. Thank you.

**MR. SPEAKER:**

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

Supplementary To Question 560-13(5): Possible Closure of Turning Point Centre

**MR. ROLAND:**

Thank you, Mr. Speaker. I would like to thank the Minister for that response. As he mentioned, the director of corrections will be travelling to Inuvik next



week. When can we expect to see some results? Would it be shortly afterward that we might be able to come to some formal agreement on the necessary changes, as you mentioned, to the programs? As the board had stated, they are willing to look at the necessary changes that they would have to make to make sure they fit the criteria that are put before them. Thank you.

**MR. SPEAKER:**

Mr. Arlooktoo.

Further Return To Question 560-13(5): Possible Closure of Turning Point Centre

**HON. GOO ARLOOKTOO:**

I am informed there are three clients who are transferring to the facility this week that will assist in the revenues of the operation in a limited way. The way the facility is funded from the Department of Justice is that we pay a per diem of \$80 per day per client. The more clients that we can transfer to the facility, the more feasible it is. The facility does run an important program. The problem up to now has been that of the 50 or so offenders in the correctional system who are from the region and the surrounding area, of that limited number, who fits into the criteria of being low risk, or being interested in taking the program and have good potential of benefiting from the program. I would hope that shortly after Mr. Dillion's visit to Inuvik that we will be able to come up with some additional ways of helping the organization. We are doing what we can.

**MR. SPEAKER:**

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

Supplementary To Question 560-13(5): Possible Closure of Turning Point Centre

**MR. ROLAND:**

Thank you, Mr. Speaker. As the Minister stated, there are quite a high number of inmates within the southern facility who come from the Inuvik region. I would like to know from the Minister, is there any way possible of notifying all the inmates from the region that Turning Point is operating and have some programs available to them? Is there a way of

getting that information out? Thank you.

**MR. SPEAKER:**

Mr. Arlooktoo.

Further Return To Question 560-13(5): Possible Closure of Turning Point Centre

**HON. GOO ARLOOKTOO:**

Thank you, Mr. Speaker. I am informed that since the executive director of Turning Point has been working closely with the Corrections Division that there has been some actions taken, including leaving information pamphlets in all the facilities to ensure that all potential clients are made aware of the program such as during their incoming interviews and also that our counsellors are well aware of the program and in a position to let offenders know that they have this option.

There has already been some work done there. What we are doing is to see what more we can do. Thank you.

**MR. SPEAKER:**

Thank you. Oral questions. Before going on to Mr. Miltenberger, I would like to recognize a former member from Central Arctic, Kane Tologanak.

--Applause

**MR. SPEAKER:**

Mr. Miltenberger.

Question 561-13(5): Strategy to Address Global Climate Change

**MR. MILTENBERGER:**

Thank you, Mr. Speaker. I would like to direct my question to the Minister responsible for Resources, Wildlife and Economic Development. It is in relation to some of the critical issues that he touched on in his statement a number of days ago in regard to global climate changes and the fact that we are such heavy users of petroleum products and as a result, we are contributing heavily to emissions. There is a hole in the ozone layer and over the Arctic that has an impact on us and the provision of energy in the north is one of our single biggest costs. Could the Minister indicate how the proposed strategy he references in his global climate change's statement is going to

address these situations and not just speak strictly to emission standards? Thank you.

**MR. SPEAKER:**

The Minister of Resources, Wildlife and Economic Development, Mr. Kakfwi.

Return To Question 561-13(5): Strategy to Address Global Climate Change

**HON. STEPHEN KAKFWI:**

Thank you, Mr. Speaker. Canada went to Kyoto and made some commitments that now, the federal Ministers in partnership with the provincial governments, the provincial Ministers, have to strategize on how to meet those targets. The targets that were set in Kyoto are felt to have economic consequences, cost implications that have not yet been clarified and addressed. There is agreement with the different governments to work on costing out the implications for each jurisdiction in Canada on meeting the targets that were set in Kyoto. We have agreed on a process for working on that. There will be a number of different ways of meeting the emission targets. I am not certain if I can provide detail on it, but I know that there have been a number of initiatives here in the north, like the creation of the Arctic Energy Alliance. We have seen specific initiatives internationally such as money being spent in Mexico City, a city of 20 million people that is heavily polluted changing their aging diesel burning bus, public transit systems to propane. The same is being done in cities such as Athens and other cities across the world that are currently suffering from severe pollution and staggering greenhouse gas emissions. Thank you.

**MR. SPEAKER:**

Oral questions. Supplementary, Mr. Miltenberger.

Supplementary To Question 561-13(5): Strategy to Address Global Climate Change

**MR. MILTENBERGER:**

Thank you, Mr. Speaker. Mr. Speaker, my supplementary question is in relation to more specifics and the fact that emissions are only one key component for the need of a broader energy strategy as we have talked about before in this House, and the Minister has responded to the questions on. Would the Minister indicate the timeframe for this strategic framework he is talking about in dealing with emission

standards and how that would tie in, hopefully, with the broader energy strategy for the Western Territory and maybe a framework for the eastern territory as well? Thank you.

**MR. SPEAKER:**

Minister Kakfwi.

Further Return To Question 561-13(5): Strategy to Address Global Climate Change

**HON. STEPHEN KAKFWI:**

Thank you, Mr. Speaker. Mr. Speaker, the target that Canada set and agreed to in Kyoto is a 6 percent reduction from the 1990 levels by the year 2013. In the Northwest Territories, we cannot realistically talk about any significant reduction to greenhouse gas emissions. For instance, by the time BHP mine goes into full production, our greenhouse gas emissions will jump by a quarter to half of the current levels because we have so few large industrial production sites. We do not have 1000 factories in the Northwest Territories, as you would find in certain parts of Ontario. For Ontario, the scale at which they can look at greenhouse gas emissions is very different from us. Having said that, we are looking at ways by looking at, for instance, energy conservation measures where this government can actually save money by asking people to come forward with projects that they have identified, projects which could help reduce the cost of operations for government services. It would save money for the government, and it could reduce the greenhouse gas emissions by reducing the volume of diesel, for instance, that is required under the current operations. The Environment Ministers across Canada will continue to meet. There will be a meeting, hopefully, in the Northwest Territories this fall, as I am the Chair for the Canadian Council of Environment Ministers. There will continue to be discussions in ways in which we can work together and how to reach those targets, and looking at economic measures that we can take on as well. Thank you.

**MR. SPEAKER:**

Thank you. Oral questions. Supplementary,

Page 1445

Mr. Miltenberger.

Supplementary To Question 561-13(5): Strategy to Address Global Climate Change

**MR. MILTENBERGER:**

Thank you, Mr. Speaker. I would like to suggest to the Minister that it may be somewhat premature to say before there is a strategy in place that we cannot lower our emissions before we look at alternative energy options. The conservation measures that the Minister, himself, just referenced, community energy planning and a whole host of other areas. I believe the Northwest Territories could play a cutting edge role in terms of those kinds of activities. Could the Minister indicate what the timeframe is for the completion of the strategic framework that he has made reference to? He wants to start the process, but I am interested in knowing what the time lines are in terms of completion once consultation has been done with the communities and all the other groups he mentioned in his statement. Thank you.

**MR. SPEAKER:**

Mr. Kakfwi.

Further Return To Question 561-13(5): Strategy to Address Global Climate Change

**HON. STEPHEN KAKFWI:**

Thank you, Mr. Speaker. Mr. Speaker, the Ministers have agreed to a process to address the need to develop a National Implementation Strategy on climate change as of the target date. As to when we are going to finish that, I cannot tell the Member at this time. I do know that we are also looking at establishing some way of giving credit for early action by companies in the private sector on most reduced greenhouse gas emissions. We are looking at ways to strengthen and support voluntary action. We want, as well, to engage in a national public education program on climate change. Most school children today are aware of the looming problem we have on global climate change. They are, I think, in need of a national program that would help focus and streamline the discussion and help focus on public attention on this very significant issue. I should tell the Member that the Northwest Territories emissions are only about one half of one percent of the national total. Our emissions are expected to continue to increase much faster than the national average. A forecast prepared by our department indicates that emissions could be 30 percent higher than of the 1990 levels by 2003 if more oil and gas developments proceed. We know that reducing emissions to 6 percent below 1990 rates will have significant impact on the north's economic growth. For instance, if we

said that there should be no significant increase in the greenhouse gas emission levels in the north as of today, we will not be able to allow any mines to go into production at this time. Thank you.

**MR. SPEAKER:**

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

Supplementary To Question 561-13(5): Strategy to Address Global Climate Change

**MR. MILTENBERGER:**

Thank you, Mr. Speaker. The quote the Minister just read out is, indeed, a good one as I have, in fact, made use of it today as well. It speaks to the issue that while we are small in number on a per capita basis, people of the north are by far the largest emitters of carbon gases and greenhouse gases. The issues the Minister raises about how we do this to ensure we have still economic development and we do not damage our economy are critical and speak to the need for a broader energy strategy. The Minister, a couple of months ago, committed to, in fact, perusing that objective of a Made in the North Energy Strategy which is going to be critical for us as we move into the 21st century. Can the Minister, I suppose, recommit or indicate that he is still going to pursue that very critical objective, one component of which would be emission of greenhouse gases? Thank you.

**MR. SPEAKER:**

Mr. Kakfwi.

Further Return To Question 561-13(5): Strategy to Address Global Climate Change

**HON. STEPHEN KAKFWI:**

Mr. Speaker. I can make that commitment again. Thank you.

**MR. SPEAKER:**

Thank you. There is a presentation that was to be presented around 3:00 p.m. in the Great Hall, so we will take a break until the call of the Chair.

--Break

**MR. SPEAKER:**

The House will come back to order. We still have a little over 17 minutes of question period. Oral questions. Mr. Enuaraq.

Question 562-13(5): Keewatin Pilot Project

**MR. ENUARAQ:**

(Translation). Thank you, Mr. Speaker. I have a question to be directed to the Minister of MACA, the honourable Minister Thompson. Minister Thompson related earlier with regard to the Keewatin Pilot Project and I would like to ask if the Keewatin Inuit have been informed on this regard? Thank you, Mr. Speaker. (Translation ends)

**MR. SPEAKER:**

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

Return To Question 562-13(5): Keewatin Pilot Project

**HON. MANITOK THOMPSON:**

(Translation). Thank you, Mr. Speaker. In regard to the Keewatin Pilot Project, it has been happening for two years and I have related to them through the newspapers as well as radio. Keewatin mayors have also been informed on this project and it has been in the news for about the last two years. Thank you, Mr. Speaker. (Translation ends).

**MR. SPEAKER:**

Thank you. Supplementary, Mr. Enuaraq.

Supplementary To Question 562-13(5): Keewatin Pilot Project

**MR. ENUARAQ:**

(Translation). Thank you, Mr. Speaker. I would like to thank the Minister. Maybe the Minister can inform me on whether the mayors have agreed to this project or not? Thank you, Mr. Speaker. (Translation ends)

Page 1446

**MR. SPEAKER:**

Ms. Thompson.

Further Return To Question 562-13(5): Keewatin Pilot Project

**HON. MANITOK THOMPSON:**

(Translation). Thank you, Mr. Speaker. This project has been going for the last two years. The majority of the mayors have agreed to this project and have signed their names. As well the Keewatin Inuit Association has also signed for the future planning process. Thank you, Mr. Speaker. (Translation ends)

**MR. SPEAKER:**

Oral questions. Supplementary, Mr. Enuaraq.

Supplementary To Question 562-13(5): Keewatin Pilot Project

**MR. ENUARAQ:**

(Translation). Thank you, Mr. Speaker. There are 13 Baffin communities, including Nanisivik. The Baffin Island Inuit have not supported this project. How is this project going to proceed if the people do not support it? Thank you, Mr. Speaker. (Translation ends)

**MR. SPEAKER:**

Ms. Thompson.

Further Return To Question 562-13(5): Keewatin Pilot Project

**HON. MANITOK THOMPSON:**

(Translation). Thank you, Mr. Speaker. This project is just a pilot project and it is an idea. I have stated earlier that this is just an idea to be proposed since there is hardly any more funding available if the funding can be geared toward more development in the communities if the people have knowledge of this. In 1999, it is not going to be proceeded with so that is where the project is at this time. Thank you, Mr. Speaker. (Translation ends)

**MR. SPEAKER:**

Thank you. Oral questions. Mr. Barnabas.

Question 563-13(5): Meeting on Keewatin Pilot Project

**MR. BARNABAS:**

Thank you, Mr. Speaker. Mr. Speaker, I would like to follow up on the question that Mr. Enuaraq, my colleague, was asking on the Keewatin Pilot Project. What were the results from yesterday's meeting on the Keewatin Pilot Project? Thank you.

**MR. SPEAKER:**

Ms. Thompson.

Return To Question 563-13(5): Meeting on Keewatin Pilot Project

**HON. MANITOK THOMPSON:**

Thank you, Mr. Speaker. I have not received the results yet because the meeting just ended one hour ago. Thank you, Mr. Speaker.

**MR. SPEAKER:**

Oral questions. Supplementary, Mr. Barnabas.

Supplementary To Question 563-13(5): Meeting on Keewatin Pilot Project

**MR. BARNABAS:**

Thank you, Mr. Speaker. Mr. Speaker, in Baffin there are 52 percent Inuit and they would like to know what is happening with this Keewatin Pilot Project. Why is there going to be a Keewatin Pilot Project when there is Keewatin MLAs as well?

**MR. SPEAKER:**

Ms. Thompson.

Further Return To Question 563-13(5): Meeting on Keewatin Pilot Project

**HON. MANITOK THOMPSON:**

Thank you, Mr. Speaker. I did not get the question. Is he asking why there are MLAs in the Keewatin? Thank you, Mr. Speaker.

**MR. SPEAKER:**

Second supplementary, Mr. Barnabas.

Supplementary To Question 563-13(5): Meeting on Keewatin Pilot Project

**MR. BARNABAS:**

Thank you, Mr. Speaker. Mr. Speaker, this Keewatin Pilot Project is dealing with millions and millions of dollars. MLAs from the Keewatin should be making decisions on these. Also in the Baffin, 52 percent of Inuit do not get a portion of that money. Thank you, Mr. Speaker.

**MR. SPEAKER:**

Ms. Thompson.

Further Return To Question 563-13(5): Meeting on Keewatin Pilot Project

**HON. MANITOK THOMPSON:**

Thank you, Mr. Speaker. As I said, the money is allocated to the communities. It is the same amount of money that the Keewatin people are trying to discuss. They do not want any more money. It is the same thing as the five-year capital plan in Arctic Bay, Grise Fiord and Resolute Bay. It is the same thing. There is no more money and we are just playing with the limited amount of money which is coming into our communities. That is all it is. Thank you, Mr. Speaker.

**MR. SPEAKER:**

Oral questions. Supplementary, Mr. Barnabas.

Supplementary To Question 563-13(5): Meeting on Keewatin Pilot Project

**MR. BARNABAS:**

Thank you, Mr. Speaker, then how come the Keewatin Pilot Project is starting when there is no money?

**MR. SPEAKER:**

Ms. Thompson.

Further Return To Question 563-13(5): Meeting on Keewatin Pilot Project

**HON. MANITOK THOMPSON:**

Thank you, Mr. Speaker. I should have said there is no new money on top of what is allocated to the communities. We are just working with the figures that are within those communities. There is no extra money going into that pilot project. It is just a proposal. It is an idea. Thank you, Mr. Speaker.

**MR. SPEAKER:**

Oral questions. Final supplementary, Mr.

Page 1447

Barnabas.

Supplementary To Question 563-13(5): Meeting on Keewatin Pilot Project

**MR. BARNABAS:**

Thank you, Mr. Speaker. Mr. Speaker, then why did the Minister, in our last Baffin Leaders' Summit, make a presentation on this Keewatin Pilot Project and yet never made a presentation to Baffin leaders on the same project?

**MR. SPEAKER:**

Ms. Thompson.

Further Return To Question 563-13(5): Meeting on Keewatin Pilot Project

**HON. MANITOK THOMPSON:**

Thank you, Mr. Speaker. At the last Baffin Leaders' Meeting in Pangnirtung, I think that was in May, we did do a presentation on the concept of the Keewatin Pilot Project and at this AGM in Hay River this weekend there will be some presentations to the SAOs on this same concept. It is just an idea and that is where it is at. Thank you, Mr. Speaker.

**MR. SPEAKER:**

Oral questions. Mr. Ootes.

Question 564-13(5): Highway Strategy Development

**MR. OOTES:**

Thank you, Mr. Speaker. My question will be for the Minister of Transportation in regard to the highway strategy that was announced earlier and that is possibly underway. Could the Minister tell us who will be doing this strategy, and my reference to that is, will it be strictly departmental personnel or will, there it be consultants and contractors involved in this particular strategy? Thank you.

**MR. SPEAKER:**

The Minister of Transportation, Mr. Antoine.

Return To Question 564-13(5): Highway Strategy Development

**HON. JIM ANTOINE:**

Thank you, Mr. Speaker. Mr. Speaker, the highway strategy, we have just undertaken the exercise. We will be hosting three different stakeholders' meetings

to begin with. It is a process that we have laid out in that manner where we will have stakeholders' meetings in Yellowknife and Norman Wells for the Mackenzie Valley and Inuvik for the Inuvik and Tuktoyaktuk road and from there we will get the direction and discussion on these three different systems. In the meantime, our staff, along with the Department of Transportation and Financial Management Board Secretariat are working together to develop a plan on how to approach this. We would like to have this process done in-house as much as possible. There may be opportunities for outside help eventually as we go along in this process. Thank you.

**MR. SPEAKER:**

Oral questions. Supplementary, Mr. Ootes.

Supplementary To Question 564-13(5): Highway Strategy Development

**MR. OOTES:**

Thank you, Mr. Speaker. Could the Minister tell us if a timeframe has been set for this initiative, if it is to be completed within a certain period of time? Thank you.

**MR. SPEAKER:**

Mr. Antoine.

Further Return To Question 564-13(5): Highway Strategy Development

**HON. JIM ANTOINE:**

Yes, this initiative will take about one year. We feel that to do it adequately, like I mentioned earlier, timing-wise, having the stakeholders' workshop for this Slave Geological Province, we plan to have a stakeholder's meeting on Thursday, June 4th, here in Yellowknife. The following week there will be a meeting in Norman Wells on June 9th and the next day, on June 10th, having a meeting in Inuvik with the stakeholders. We have already sent out invitations to all the different key people in all the communities which will be affected in the respective area. As we go along from there, the plan right now is to do it within one year. Thank you.

**MR. SPEAKER:**

Oral questions. Supplementary, Mr. Ootes.

Supplementary To Question 564-13(5): Highway Strategy Development

**MR. OOTES:**

Thank you, Mr. Speaker. Also on a federal thrust basis we have always, in the North, felt that the federal government benefits from our resource development and I am wondering if the Minister could tell us if he is continuing his efforts to address this at the National Transportation Strategy meetings. I note that the Premier will be attending one of those next week. I am wondering if the Minister could tell us if he has a strategy to deal with the federal government on this whole area of support for our questions. Excuse me, Mr. Speaker, I am getting a lot of heckling on the side. I am wondering if the Minister could tell us if he is continuing to put pressure on the federal government to provide funding for our territorial transportation study since they have an obligation, because of the return that the federal government gets out of this territory. Thank you.

**MR. SPEAKER:**

Mr. Antoine.

Further Return To Question 564-13(5): Highway Strategy Development

**HON. JIM ANTOINE:**

Thank you. Mr. Speaker, this transportation strategy is viewed strategy-wise on how to approach it. It is connected quite strongly with the economic development strategy that I am working on with my colleagues, Mr. Todd, Mr. Kakwi and Mr. Dent, as well as the Premier. There is an overall initiative that we do have to approach the federal government, and we should also be approaching the other provinces that benefit from the Northwest Territories, as well, in trying to seek some way of developing an opportunity to get some funding. The National Highway Strategy is an initiative by the Ministry of Transportation and has been an initiative for a number of years now and we have always supported that initiative. We think that is a good initiative. It is just trying to find different ways of trying to move that strategy forward to the federal government and see if there is going to be some money there for them to give us for this project. Thank you.

Page 1448

**MR. SPEAKER:**

Oral questions. Mr. Steen.

Question 565-13(5): Constitutional Consultation Package

**MR. STEEN:**

Thank you, Mr. Speaker. Mr. Speaker, my question is directed toward the Minister responsible for Aboriginal Affairs, Mr. Antoine, who is also co-chair of the Constitutional Working Group. Mr. Speaker, I have a document here given by the constitutional working group out to the public for consultation on a new constitution. I would like to ask Mr. Antoine, how many copies of this document are available and approximately how many copies would be available in my particular communities in the Nunakput riding? At this point in time, I think it is appropriate to compliment the Constitutional Working Group on their efforts in putting the document out. I would just like to know how available this document is in my riding? Thank you, Mr. Speaker.

**MR. SPEAKER:**

The Minister responsible for Aboriginal Affairs, Mr. Antoine.

Return To Question 565-13(5): Constitutional Consultation Package

**HON. JIM ANTOINE:**

Thank you, Mr. Speaker. Mr. Speaker, we have had 5,000 of these workbooks printed here locally. To date, approximately 1,800 of these books have been distributed for community meetings, workshops, media and to the general public. We have plans for general distribution to all band councils, Metis locals, western NWT municipal offices, adult education centres and other organizations, as was done with the first round one summary report. We have plans now to distribute these documents to Mr. Steen's constituency, as well as everybody else, and if he directs me to do it in a better way, then I will take direction from that as well. Thank you.

**MR. SPEAKER:**

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

Supplementary To Question 565-13(5): Constitutional Consultation Package

**MR. STEEN:**

Thank you, Mr. Speaker. Mr. Speaker, I understand approximately 5,000 documents were printed. When I look at this document, I find it fairly complex. I wonder what level of education it would take to understand this document? I ask this question in relation to discussions we have had over the past two days on the level of education in the communities and in the territories in general. I note, and I believe Mr. Erasmus, my honourable colleague from Yellowknife North quoted these figures in the past couple of days. It suggests that 60 percent of Canadians do not have the skills to handle most of the written material they see every day. Another 22 percent can only cope with simple reading tasks. That is a total of 38 percent of Canadians in general. In my ridings which in a lot of cases, English is the second language, out of these 5,000 copies that the Constitutional Working Group printed, how many do they actually expect to have read, based on the education level in the territories? Thank you.

**MR. SPEAKER:**

Mr. Antoine. Question period is over.

Further Return To Question 565-13(5): Constitutional Consultation Package

**HON. JIM ANTOINE:**

Thank you, Mr. Speaker. Mr. Speaker, that is a very good question and speaking on behalf of the Constitutional Working Group, during our discussions we covered that. We understand the situation in the communities with regard to reading. The workbook is a tool that we wanted to use in the communities. The method of going into the communities is that we hope to have workshops in each community, perhaps with different groups in the communities, perhaps the school or some employees or have small workshops where we could actually exchange views on the two different approaches as explained in this book. We know that it is going to be difficult for some people in the communities to read the whole book. We realize that. The intention is not to give it out to people and say read it, what do you think, but to actually use the workbook in a community setting, through public meetings and through workshop settings where we have a facilitator that will go through the workbook. That is a guide for discussion. That is the intention of this book. Thank you.

**MR. SPEAKER:**

Thank you. Mr. O'Brien.

**MR. O'BRIEN:**

Thank you, Mr. Speaker. Mr. Speaker, I seek unanimous consent to return to item 5, recognition of visitors in the gallery.

**MR. SPEAKER:**

The Member for Kivallivik is seeking unanimous consent to go back to item 5, recognition of visitors in the gallery. Do we have any nays? Mr. O'Brien, you have unanimous consent.

**REVERT TO ITEM 5: RECOGNITION OF VISITORS IN THE GALLERY**

**MR. O'BRIEN:**

Thank you, Mr. Speaker. Mr. Speaker, I would like to recognize the esteemed mayor of Baker Lake, David Tagoona, and his respected SAO, Leo Caoutte. Thank you.

--Applause

**MR. SPEAKER:**

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

**HON. JOHN TODD:**

Thank you, Mr. Speaker. I would like to recognize my friend, Mr. Maley, who is the superintendent of MACA and my other friend Mr. Roach, who is the superintendent of RWED.

--Applause

**MR. SPEAKER:**

Welcome to the Assembly. Recognition of visitors in the gallery. Item 7, written questions. Mr. Roland.

**ITEM 7: WRITTEN QUESTIONS**

Written Question 14-13(5): Highwood Resources Project Proposal

**MR. ROLAND:**

Thank you, Mr. Speaker. Mr. Speaker, my written question is for the Minister responsible for Resources,

Page 1449

Wildlife and Economic Development.



With regard to the Highwood Resources project that is proposed for the Thor Lake Area:

1. Will the government be undertaking its own independent evaluation of exposure to beryllium by collecting human and area samples?
2. If so, will this information be available to employees and stakeholders?
3. Where did Highwood Resources obtain their meteorological information? Fog, and other forms of condensation and the wind may very likely transport beryllium from the tailings pond and could be inhaled by nearby wildlife and humans.
4. Why would Highwood Resources only choose to consult with communities around the Great Slave Lake? Communities along the Mackenzie River, from Fort Providence to Inuvik, could be affected by any beryllium particles in the water system.
5. What method is Highwood Resources using to extract and refine the beryllium? There may be a problem with dust particles in both cases.
6. What system has the GNWT put into place to reimburse businesses that might be affected by this project? The mine site is located within the "B" lake watershed and this flows north into Blachford Lake, 1.5 miles away. Blachford Lake Lodge, an established business in the adjacent area, may be negatively impacted. This could also be said of guides who take clients fishing and hunting in the surrounding area.
7. What is being done to ensure that communities along the highway are not exposed to any harmful beryllium dust?
8. What is being done to ensure that no dust escapes during transportation? The refined material will be transported to Alberta and the most effective way to take beryllium into the body is by way of inhalation.

Thank you.

**MR. SPEAKER:**

Written questions. Mr. Picco.

Written Question 15-13(5): Discussions Regarding Nunavut Civil Servants

**MR. PICCO:**

Thank you, Mr. Speaker. Mr. Speaker, my written question is for the Minister of the Financial Management Board Secretariat, Mr. Todd.

Mr. Speaker, what discussions have taken place between the Government of the Northwest Territories, the Office of the Interim Commissioner and the Union of Northern Workers concerning employees after April 1, 1999?

Written Question 16-13(5): Baffin Driver Examiner

My second written question, Mr. Speaker, concerns the Baffin Region losing our only driving examiner.

When will the Baffin's driver examiner be replaced?

**MR. SPEAKER:**

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

ITEM 12: REPORTS OF COMMITTEES ON THE REVIEW OF BILLS

BILL 15, Adoption Act

**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 15, Adoption Act, and wishes to report that Bill 15 is ready for consideration in Committee of the Whole, as amended and as reprinted. Thank you.

**MR. SPEAKER:**

Reports of committees on the review of bills. Mr. Erasmus.

BILL 16, An Act to Amend the Income Tax Act, No. 2

**MR. ERASMUS:**

Thank you, Mr. Speaker. Mr. Speaker, I wish to report to the Legislative Assembly that the Standing Committee on Government Operations has reviewed Bill 16, An Act to Amend the Income Tax Act, No. 2, and wishes to report that Bill 16 is now ready for consideration in Committee of the Whole.

Further, I would seek unanimous consent to waive rule 17(5), and have the bill ordered into Committee of the Whole for consideration tomorrow.

**MR. SPEAKER:**

Thank you. The Member for Yellowknife North is seeking unanimous consent to waive rule 17(5). Do we have any nays? There are no nays. Mr. Erasmus, you have unanimous consent. Reports of committees on the review of bills. Item 13, tabling of documents. Mr. Enuaraq.

**ITEM 13: TABLING OF DOCUMENTS**

Tabled Document 100-13(5): Letter Regarding a Shortage of Affordable Housing in Clyde River

**MR. ENUARAQ:**

Thank you, Mr. Speaker. Mr. Speaker, I wish to table a letter that reflects the shortage of affordable housing in the community of Clyde River. Thank you.

**MR. SPEAKER:**

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. Todd.

**ITEM 17: FIRST READING OF BILLS**

Page 1450

BILL 19, An Act to Amend the Dental Profession Act

**HON. JOHN TODD:**

Thank you, Mr. Speaker. Mr. Speaker, I move, seconded by the honourable Member for Nahendeh, that Bill 19, An Act to Amend the Dental Profession Act, be read for the first time. Thank you, Mr. Speaker.

**MR. SPEAKER:**

Thank you. Your motion is in order. To the motion. Question has been called. All those in favour? All those opposed? Your motion is carried. Bill 19 has had first reading. First reading of bills. Item 18, second reading of bills. Mr. Todd.

**ITEM 18: SECOND READING OF BILLS**

**HON. JOHN TODD:**

Thank you, Mr. Speaker. Mr. Speaker, I seek consent to proceed with the second reading of Bill 19, An Act to Amend the Dental Profession's Act.

**MR. SPEAKER:**

Thank you. The Member for Keewatin Central is seeking consent to proceed with the second reading of Bill 19. Do we have any nays? Mr. Todd, you have consent.

BILL 19, An Act to Amend the Dental Profession Act

**HON. JOHN TODD:**

Thank you, Mr. Speaker. Mr. Speaker, I move, seconded by the honourable Member for Nahendeh, that Bill 19, An Act to Amend the Dental Profession Act, be read for the second time. Mr. Speaker, this bill amends the Dental Profession Act to limit the period of registration that is granted to an applicant for registration in part three of the dental register. This limitation does not apply to persons who are currently registered in part three of the dental register. The provisions of the act pertaining to part three of the dental register will be repealed after the expiry of the registration period of such persons. Thank you, Mr. Speaker.

**MR. SPEAKER:**

Thank you, Mr. Todd. Your motion is in order. To the principle of the bill. Question has been called. All those in favour? All those opposed? Your motion is carried. Bill 19 has had second reading and accordingly, the bill stands referred to a committee. Second reading of bills. Item 19, consideration in committee of the whole of bills and other matters. Bill 7, with Mr. Steen in the Chair.

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

**CHAIRMAN (Mr. Steen):**

I call the committee to order. As we have only one item on the agenda today, Bill 7, An Act to Amend the Territorial Court Act, I will ask the committee Members if we are ready to proceed with this item?

**SOME HON. MEMBERS:**

Agreed.

**CHAIRMAN (Mr. Steen):**

Agreed. Thank you. The item we are talking about is in your green binder, Bill 7. Following procedures, I now thank the Minister responsible, Mr. Arlooktoo.

**HON. GOO ARLOOKTOO:**

Thank you, Mr. Chairman. The main purpose of these amendments to the Territorial Court Act is to provide for changes to the composition, procedures and the role of the Judicial Council in order to meet the standards of judicial independence established by recent court decisions. The amendments also introduce a new Judicial Appointments Advisory Committee and term appointments of the Chief Judge and clarify the judicial independence of deputy judges.

In the current legislation, the Judicial Council recommends appointments in the Territorial Court and is involved in the disciplinary process when complaints are made regarding the conduct of territorial judges. The NWT Court of Appeal in the Timila Group of Decisions in 1992, identified concerns with the composition of the Judicial Council and recommended that the act be amended. The court found particularly that there was a potential for interference with the judicial independence of judges in that the Minister of Justice appointed the majority of members of the Judicial Council and that the Minister is not bound by the recommendations of the Judicial Council or the results of a judicial inquiry into the conduct of a judge in deciding whether a judge should be removed from office. In those cases, the Court of Appeal found that the challenge under the Charter failed only because there were vacancies in the Judicial Council at the time and said that the government has a moral duty to introduce amending legislation.

The amending legislation also separates judicial appointments from judicial discipline and provides for extensive lay representation in a new Judicial Appointments Advisory Committee. Katherine Peterson, Queen's Council, Special Advisor on gender equality and the law, in a report to the Minister of Justice in 1992, recommended that there be significant lay representation and gender parity in the judicial appointment process. In the current legislation, the Chief Judge is appointed for an indefinite period. The trend over the years has been to move toward term appointments of Chief Judges. This is already provided for in eight of the 12 jurisdictions. The rationale for the term appointment is that it allows for the periodic infusion of new energy and new ideas into the position.

The amendments of the Territorial Court Act, provide for the introduction of five-year term appointments and the appointment of the incumbent to a five-year term. The amendments also clarify that the judicial independence of deputy judges is protected to the same degree as full-time judges, and clarifies that a deputy judge serving for a term appointment must be a judge, or retired judge, and may not be a lawyer. As a result of careful review of this bill by the Standing Committee on Social Programs, two amendments were made to the bill and I will be proposing additional amendments to the Committee of the Whole.

Mr. Chairman, I and my officials are available to answer any questions you might have. Thank you, Mr. Chairman.

**CHAIRMAN (Mr. Steen):**

Thank you, Mr. Arlooktoo. I now call the Chairman of the Standing Committee on Social Programs, Mr. Enuaraq, for the standing committee's comments on the bill.

**MR. ENUARAQ:**

Thank you, Mr. Chairman. I thank the Minister for his opening remarks. First of all, I would like to thank the Committee Members of the Standing Committee on

Page 1451

Social Programs. Good afternoon.

The Standing Committee on Social Programs reviewed Bill 7, An Act to Amend the Territorial Court Act, 1998 at its meeting on April 20, 1998 and May 21, 1998. The committee appreciates the assistance of the Honourable Steven Kakfwi, who presented the bill on behalf of the Minister of Justice on April 20th. The committee would also like to thank the Minister of Justice, who appeared before the committee on May 21, 1998, to respond to issues of concern that the committee had brought to his attention. Officials from the Department of Justice also assisted the committee on both occasions.

Bill 7 is, in large part, a response to developments over the last several years relating to judicial independence in the Northwest Territories and across Canada. Two directly related decisions are decisions of the Northwest Territories' Courts. In 1992, the NWT Court of Appeal held the composition of the Judicial Council, the body that hears complaints against territorial court judges, would violate the

Canadian Charter of Rights and Freedoms if all the members of the council were appointed. The court also committed that the Legislature has a moral duty to amend the Territorial Court Act, in this area.

Mr. Chairman, in 1997, the NWT Supreme Court held that provisions in the Territorial Court Act, relating to deputy Territorial Court judges violates the Charter because the deputy judges did not have security of tenure. The court also laid out rules relating to conflict of interest for judges. As well, the Supreme Court of Canada has committed that the judges should not be appointed solely at the discretion of Cabinet.

Mr. Chairman, instead, there should be consultation with an independent body. Bill 7, would amend the Territorial Court Act to change the process for the appointment and discipline of Territorial Court judges. The amendments do not affect justices of the NWT Supreme Court.

The bill would establish Judicial Appointments Advisory Committee, which would make recommendations to the Commissioner in Executive Council about the appointment of Territorial Court judges; amend provisions dealing with the independence of deputy Territorial Court judges to protect their security of tenure or to restrict their outside business activities; provide that the Chief Judge of the Territorial Court may serve as Chief Judge for only one five-year term and allow the current Chief Judge to serve for another five years; authorize the Chief Judge to establish for the continuing education of judges and for the performance evaluation of judges; change the membership of the Judicial Council, which is the body that receives, investigates and makes decisions about complaints against Territorial Court judges and change the grounds and methods for discipline of Territorial Court judges.

The standing committee questioned the Minister and his officials about several aspects of the bill. Following our decisions, the Minister agreed to amend the bill in response to some of the committee's concerns. A motion was passed in committee to amend the bill to increase the lay representation and the Judicial Appointments Advisory Committee from three to four persons. This will create equal balance between members with a legal background and those without, on the committee that makes recommendations to the Cabinet about the appointment of Territorial Court judges and deputy judges. The same motion also amended the bill to clarify that the lay representatives must not be

members or past members of any law society in Canada.

A motion was also passed in committee to address a concern raised by the Minister. The bill was amended to provide the members of the Judicial Council who serve on a subcommittee that investigates a complaint against a judge may continue to serve as a member of the council in subsequent proceedings on that complaint.

Mr. Chairman, Members discussed this proposal with the Minister and were advised that the procedures of the council will be set by the council and that this amendment would allow the council to ensure that a quorum will be maintained in those circumstances where that might be a concern.

Bill 7, has now been reprinted as amended by the two motions in standing committee. Some Members of the standing committee continue to have concerns with aspects of the bill. The bill requires the Law Society and the Commissioner in Executive Council to take into account the importance of reflecting the diversity of the population and the gender balance of the Northwest Territories when making appointments to Judicial Appointments Advisory Committee. However, the bill does not require the Law Society and the Commissioner in Executive Council to consider these factors when making appointments to the Judicial Council and the disciplinary body.

The committee recognizes that the legal community and the benches in the territories are small and that half of the Judicial Council is composed of serving judges. However, in the view of some Members, these principles are fundamental to improving the quality of the justice system, and it will not be too restrictive to require that they may be given some consideration.

A further outstanding area of concern deals with recommendations for compensation for legal costs. The bill provides for the Judicial Council to consider whether it should recommend that the government pay the legal fees for the judge who is the subject of a complaint. However, the bill is silent as to whether the council should consider recommending that the legal fees of the complainant be paid.

The committee is well aware a person who files a complaint against a judge is not responsible for prosecuting the complaint. However, Members feel that there will be circumstances in which it would be appropriate for the complainant to hire legal counsel.

The complaints that go to full inquiry are rare, and it is not suggested that the complainant's legal fees should be paid in all cases. However, some Members feel the bill should specifically authorize the Judicial Council to consider whether it should recommend that the government should compensate the complainant for his or her legal fees.

The Minister advised the standing committee that he would review these two matters further. The Minister provided the committee copies of two motions intended to address these issues and we understand the Minister will move these motions

Page 1452

to amend Bill 7 today.

The first motion would amend clause 10 in three areas. It would clarify that the lay representatives on the Judicial Council may not be members or past members of any Canadian Law Society, so that this area of the bill is consistent with amendments made in standing committee in relation to the Judicial Appointments Advisory Committee. It would also require the Law Society and Cabinet to consider the diversity of the population and the gender balance of NWT when appointing representatives to the Judicial Council, while making it clear that a failure to achieve balance does not invalidate proceedings for decisions of the council.

Finally, it would add a provision specifically authorizing the Judicial Council to recommend that a complainant be compensated for his or her legal costs where a complaint is before the council. The motion would provide that the council may only recommend compensation where it determines that the legal costs were necessarily incurred due to the nature and circumstances of the complaint.

The second motion would amend clause 11 to add the power to make regulations respecting or limiting the amount of compensation that may be recommended to be paid to a complainant. The power to make regulations on this matter in relation to compensation for a judge's legal costs already exists in Bill 7.

Mr. Chairman, committee Members may have additional comments or questions on this bill as we proceed. This concludes standing committee's comments on Bill 7, An Act to Amend the Territorial Court Act. Thank you, Mr. Chairman.

**CHAIRMAN (Mr. Steen):**

Thank you, Mr. Enuaraq. If the committee agrees, I would like to offer the Minister the opportunity to bring in witnesses.

**SOME HON. MEMBERS:**

Agreed.

**CHAIRMAN (Mr. Steen):**

Mr. Arlooktoo, do you wish to bring in witnesses?

I would like to thank the Sergeant-at-Arms for seating the witnesses. I would like to ask the Minister to please introduce the witnesses.

**HON. GOO ARLOOKTOO:**

Thank you, Mr. Chairman. I have with me Mr. Gerry Sutton, the Assistant Deputy Minister for the Department of Justice and Denise Gagnon, with our Legislation Division.

**CHAIRMAN (Mr. Steen):**

Thank you, Mr. Arlooktoo, and welcome to the committee. I now invite Members for general comments on the bill. Mr. Krutko.

**MR. KRUTKO:**

Thank you, Mr. Chairman. One of the concerns I have in regard to the comments I have heard so far, is that, in light of the number of aboriginal people incarcerated in our jails and through the justice system, I believe there has to be taken into account somewhere that we have to consider the makeup of our judiciary system to reflect the population and the number of people that are represented through gender or some ethnic background. I believe it is time we made an attempt through this bill, or any other bill, to ensure there is an aboriginal makeup of the judiciary system, to reflect the number of aboriginal people that find themselves in front of the judiciary system to take into account the aboriginal aspects of life in the north and a reflection of the life style that a lot of aboriginal people find themselves in when coming forth in front of the judicial system, where it becomes a cycle of life.

I believe there has to be an attempt made. I know it has been tried. I believe the comment was made by the representative from the Social Committee, but I believe something has to be done to reflect the

makeup of the population of the Northwest Territories and also the number of communities, especially the aboriginal communities that have to use the system in regard to the way they are dealt with through the judicial system, sentenced and also the fairness and equitable manner that the judicial system has to service. There has to be an attempt made to reflect the makeup of the population of the Northwest Territories, especially when it comes to the judicial system.

The MP for the Northwest Territories tried to make an attempt in regard to the seat that was going to be filled at the Supreme Court of Canada. There was some reflection on trying to require that seat for the aboriginal people in Canada, especially with a lot of the aboriginal issues now, in regard to court cases across Canada and also in the future of the Northwest Territories, dealing with outstanding issues such as claim settlements, the question of treaty rights, the overall question that deals with long outstanding aboriginal issues which may find themselves in front of the Supreme Court of the Northwest Territories or even the Supreme Court of Canada.

I believe we have to make an attempt somehow to allow ourselves, through this bill or another bill, to look at the makeup of the judicial system in the Northwest Territories. Thank you, Mr. Chairman.

**CHAIRMAN (Mr. Steen):**

Thank you, Mr. Krutko. General comments on the bill. Mr. Ootes.

**MR. OOTES:**

Thank you, Mr. Chairman. I have a comment which may be followed by a question, if that is appropriate, at this time? Let me perhaps make the comment and you can then rule if I can have my question answered, in regard to my comment.

It is to do with the independence of the judiciary. I note specifically dealing with the item where the Chief Judge of the Territorial Court may serve a period of five years. That is subject to reappointment. I take it that is subject to reappointment by the Minister. My concern lies in the fact that I would like to relate that in terms of what is done in other jurisdictions. As well, does this impinge upon the independence of that particular judge? Are there duties of the Chief Judge that relate specifically to areas where his decisions are before a court, or is it strictly an administrative

function that he is called a Chief Judge? That is the area of concern that I have.

The other area that I am curious about is on the Judicial

Page 1453

Appointments Advisory Committee. The lay representation being recommended to change from three to four. I am wondering again what the situation is in other jurisdictions and what our current situation is? Is the representation in other jurisdictions similar to what we have here with numbers? Is the balance there the same as what we have here? What I have heard from the committee report was that the appointments to the committee would be lay individuals, but could not be someone who is a lawyer now licenced in Canada. I am wondering if instead the bill states a legal person from any jurisdiction, meaning from anywhere around the world, because in essence we could have individuals from other jurisdictions, other than Canada, become citizens here and then become members of this committee. Those are my comments and I suppose questions, Mr. Chairman.

Just one further item, I would like a little more clarification on the area where a private citizen lays a complaint against one of the judges and seeks legal fees to handle that. I am wondering what is the system in place for that individual to seek financial support? Is it to the committee and are there guidelines established already for financial support? Thank you.

**CHAIRMAN (Mr. Steen):**

Thank you, Mr. Ootes. Any further general comments? Mr. Picco.

**MR. PICCO:**

Thank you, Mr. Chairman. Mr. Chairman, I also had some concerns with Bill 7, in that the Law Society and the Commissioner in the Executive Council should have taken into account the importance of reflecting the diversity of the population and gender balance in the Northwest Territories as outlined in the committee's concerns. I guess the Executive Council did not consider those to be important, when bringing the bill forward, even though they were raised by the standing committee in consultation with the Minister. I would have liked to see something on the grounds that indeed that would have been included so the

diversity of the Northwest Territories could have been factored into the legislation.

I also understand the recommendation for the compensation of legal costs. I think that was another area that we kind of maybe missed in the process. I know the committee had brought it forth. The committee in the report actually pointed out the bill is silent as to whether the council should consider recommending that the legal fees of the complainant be paid. I would believe in a lengthy judicial process, there are very few people who could take it forward without having some kind of compensation afforded. Now in that regard, for example, we have just seen recently where a case before the courts here regarding Members of this House, their compensation charges were covered. I would assume the general public would be entitled to that, too. That was a concern that I thought might have been raised.

On the whole, I think Bill 7 is a progressive piece of legislation and maybe the Minister or one of his staff people, later on when the opportunity arises, could answer some of these concerns. Thank you, Mr. Chairman.

**CHAIRMAN (Mr. Steen):**

Thank you, Mr. Picco. General comments in Bill 7. Any further general comments? No, further general comments. Maybe I could ask the Minister then to respond to the comments and questions posed? Mr. Arlooktoo.

**HON. GOO ARLOOKTOO:**

Thank you, Mr. Chairman and thank you for the comments. From what I understood from the comments by Members, there are two main issues. Large ones mind you, but the first one dealing with gender and aboriginal representation in the judiciary as spoken about by Mr. Krutko and Mr. Picco, and specific issues about Chief Judge duties that Mr. Ootes talked about and of the legal fees. Incidentally, these were issues that the standing committee felt quite strongly about. We, the government, did review it with the committee and as I stated in my opening remarks, we are making motions to amend the bill so that it incorporates, number one, some principals on the diversity of population and gender balance when considering membership to the Judicial Council, and also enabling a section on the payment of legal fees for those making complaints. We will be making amendments on those specific issues as they come up.

If I could make a couple of very general comments about aboriginal representation in the judiciary, the comments by Mr. Krutko are very much typical of what I hear in the communities as I travel as a Justice Minister, ensuring there is representation of the aboriginal people in the judiciary. The judiciary is something that is very important to the public, and it is important to the department as well. We do have some good examples of how there has been progress in the system. Mind you, we understand that we have a way to go. Things like aboriginal recruitment in the RCMP and the police force has made some good progress.

We have a program now to get more JPs from the communities and more consideration for aboriginal and women in the JP system. Most recently, we have made sure that when we hired a group of correctional officers to correct a shortage of officers in the whole system, we had almost two dozen correctional officers who we consciously said that the majority of those would have to be of aboriginal descent, and we have done that. That is very recent. All in all, the issue of restorative justice and of community justice, is one that is very important. I am proud to say that we in the north, especially the small communities, have been pushing this issue along for many years and, happily, we heard the federal Minister of Justice saying, when she talked about the Youth Offenders Act, that it is now a priority and an important issue for the Canadian government. I am glad that we have been leaders in that field. That is a good thing overall.

On the issue of duties of a Chief Judge, Mr. Ootes asked if it was merely administrative function. The Chief Judge's duties are to preside over administrative functions for the Territorial Court judges, of which there are two others. This has to do with scheduling of court cases, of travel functions, making sure that cases are heard in as timely fashion as possible, office related issues, et cetera.

Those will be my comments, if you want, Mr. Chairman, I would ask Mr. Sutton to maybe make a quick comment on the issue of legal fees paid on behalf of complainants as we will propose later on. Thank you.

**CHAIRMAN (Mr. Steen):**

Thank you, Mr. Arlooktoo. I recognize

Mr. Sutton.

**MR. SUTTON:**

Thank you, Mr. Chairman. If I understood the question correctly from the Member as to why the compensation for legal costs of the complainant was not included in the bill originally. The view of the department was that the scheme in the act is to provide an avenue for any person to make a complaint to the Judicial Council respecting the conduct of a judge. Legal advice should not be necessary for that, and there should be no restrictions on the kind of complaint that a person might want to make. Once the complaint is made, the matter comes under the jurisdiction of the Judicial Council who takes charge of the matter and commences an investigation and an inquiry into the conduct of the judge. As the committee report indicated, it is not the responsibility of the complainant to prosecute the matter. It is the responsibility of the Judicial Council to take charge of the matter and make a determination.

As the Minister has indicated, he will be making a motion that will allow for the Judicial Council to make a recommendation that the complainant be compensated for any legal costs that the complainant may have incurred in those, perhaps, rare instances where, in fact, the complainant may require the advice of a lawyer. I think there was also a question as to whether there were guidelines respecting the financial support for the complainant. There are no guidelines in place. There is a provision in the act that will allow for regulations to provide for certain restrictions on the amount of compensation. The decision as to whether there will be a recommendation that compensation be paid, that will be a decision of the Judicial Council. Thank you, Mr. Chairman.

**CHAIRMAN (Mr. Steen):**

Thank you, Mr. Sutton. General comments. Mr. Krutko.

**MR. KRUTKO:**

Thank you, Mr. Chairman. In light of the comments by the Minister and the attempts that are being made in other sectors of the judicial system, what processes are being put in place to look at ensuring there is some method or to take into account the whole issue of the territorial judge system, when appointments are made, that consideration be given to an aboriginal person to be appointed as a territorial judge? The

concerns you hear from a lot of communities are that there is a real need for some sort of aboriginal person or persons to be appointed to the territorial judicial system. Is there any process that you are developing or is there any policy that you are looking at to take into account that aspect?

**CHAIRMAN (Mr. Steen):**

Thank you, Mr. Krutko. Mr. Arlooktoo.

**HON. GOO ARLOOKTOO:**

Thank you, Mr. Chairman. Again, an important issue that we are considering, and that is, in this case, more aboriginal representation in the territorial court system. The problem lies in the fact that to have a person appointed as a territorial court judge that you have to have certain background in legal training and experience, law degree, and so many years experience as a practicing lawyer. That is standard across Canada. There are good reasons for that, to ensure that a prospective judge has the experience necessary to carry out the duties. The average across the country is ten years experience. What we are proposing here is that it be drawn down to seven years to hopefully make it a little bit more to open appoint judges who are of northern background and that meet with our goals in this gender and ethnic background that we have identified as a need. Thank you.

**CHAIRMAN (Mr. Steen):**

Thank you, Mr. Arlooktoo. Mr. Krutko.

**MR. KRUTKO:**

Thank you, Mr. Chairman. Is the appointment of the territorial judge restricted only to the Northwest Territories? What about the Yukon and the provinces in regard to aboriginal lawyers who may be out there who may have the seven or ten years you are looking at or are you only restricting this to the Northwest Territories where we do have a few aboriginal lawyers presently practicing in the north? What I would like to know is, at what appointed time will that become a reality to see an aboriginal person as a territorial judge?

**CHAIRMAN (Mr. Steen):**

Thank you, Mr. Krutko. Mr. Arlooktoo.

**HON. GOO ARLOOKTOO:**



Thank you, Mr. Chairman. The appointments are not restricted to territorial residents. The advisory committee could look across the country for prospective candidates. This is, indeed, an area that I know those who are planning for Nunavut are keeping in mind in looking in other jurisdictions. That being said, they have to keep in mind that all we have are three positions and that judges are appointed for an indefinite period so that vacancies are quite rare. Thank you.

**CHAIRMAN (Mr. Steen):**

Thank you, Mr. Arlooktoo. General comments. Mr. Krutko.

**MR. KRUTKO:**

Thank you, Mr. Chairman. In my last comment, I made reference to when does the Minister see a possibility of having an aboriginal person as a territorial judge. I know that vacancies are probably far between but could the Minister make an attempt to ensure that there will be some way of looking at the preferential process of ensuring that there will be some attempt made to consider an aboriginal person for the next appointment as a territorial judge?

**CHAIRMAN (Mr. Steen):**

Thank you, Mr. Krutko. I do not know if your suggestion is appropriate at this time, but I will let the Minister respond if he wishes.

**HON. GOO ARLOOKTOO:**

Thank you, Mr. Chairman. Mr. Chairman, all the positions in the territorial court are filled. At this time, there are four positions, not three as I said previously. The only way that a vacancy could occur is if a judge resigned for whatever reason, became deceased or was removed. There is no way of knowing when there may be a vacancy in the future. Thank you.

**CHAIRMAN (Mr. Steen):**

Thank you, Mr. Arlooktoo. General comments on Bill 7. Mr. Krutko.

**MR. KRUTKO:**

Thank you, Mr. Chairman. Mr. Chairman, when was the last appointment filled for a seat as the territorial court judge?

**CHAIRMAN (Mr. Steen):**

Thank you, Mr. Krutko. Mr. Arlooktoo.

**HON. GOO ARLOOKTOO:**

Thank you, Mr. Chairman. Mr. Chairman, I understand that the last appointment was between four and five years ago, Judge Beverly Brown, who know resides in Iqaluit.

**CHAIRMAN (Mr. Steen):**

Thank you, Mr. Arlooktoo. General comments on Bill 7. Mr. Krutko.

**MR. KRUTKO:**

Thank you, Mr. Chairman. Mr. Chairman, have there been any attempts made to amend any bills that there be consideration given an aboriginal person with qualifications to meet the fulfilment of such a position? Is that considered when they look at the appointments for these judges? Is there anything that is being done through an amendment or basically through a bill to ensure that is considered in making those appointments?

**CHAIRMAN (Mr. Steen):**

Thank you, Mr. Krutko. Mr. Arlooktoo.

**HON. GOO ARLOOKTOO:**

Thank you, Mr. Chairman. Mr. Chairman, there are a couple of points that I could make on that. One is, on the political level, when the Western Arctic MP, Ethel Blondin, made her position known across the country on the issue of aboriginal representation in the court system, I, as the Minister, wrote to her to lend moral support. We are coming from the same side on that one. On the issue on the appointment of judges, the appointment of persons to the Judicial Council and even to the Judicial Appointments Advisory Committee, the real big issue there is in the independence of the judiciary on ensuring that there is no or very little political interference in the justice system. It has been an issue raised many times by different judges and by the Supreme Court. I would think that we can make our point known to the Judicial Appointments Advisory Committee on our view in terms of directly appointing someone, for me, as a Minister, that is not where we are going here. What we are suggesting is that a Judicial Appointments Advisory Committee be struck and that they be the ones that look around for candidates to become

Territorial Court Judges. My suggestion would be that, in some form, that we make it non-politically or some fashion that our position is that they should consider gender and ethnic balancing.

**CHAIRMAN (Mr. Steen):**

Thank you, Mr. Arlooktoo. General comments. Do the Members agree we can go clause-by-clause in review of the bill? Agreed?

**SOME HON. MEMBERS:**

Agreed.

**CHAIRMAN (Mr. Steen):**

I direct you then to page one of Bill 7. At the top of it, it says Bill 7. Agreed?

**SOME HON. MEMBERS:**

Agreed.

**CHAIRMAN (Mr. Steen):**

An Act to Amend the Territorial Court Act. Agreed?

**SOME HON. MEMBERS:**

Agreed.

**CHAIRMAN (Mr. Steen):**

Clause 1. Agreed?

**SOME HON. MEMBERS:**

Agreed.

**CHAIRMAN (Mr. Steen):**

Thank you. Clause 2. Agreed?

**SOME HON. MEMBERS:**

Agreed.

**CHAIRMAN (Mr. Steen):**

Thank you. Clause 3. Agreed?

**SOME HON. MEMBERS:**

Agreed.

**CHAIRMAN (Mr. Steen):**

Thank you. Clause 4. Agreed?

**SOME HON. MEMBERS:**

Agreed.

**CHAIRMAN (Mr. Steen):**

Thank you. Page 5. Clause 5. Agreed?

**SOME HON. MEMBERS:**

Agreed.

**CHAIRMAN (Mr. Steen):**

Thank you. Clause 6. Agreed?

**SOME HON. MEMBERS:**

Agreed.

**CHAIRMAN (Mr. Steen):**

Thank you. On page six of Bill 7. Clause 7. Agreed?

**SOME HON. MEMBERS:**

Agreed.

**CHAIRMAN (Mr. Steen):**

Thank you. Clause 8. Agreed?

**SOME HON. MEMBERS:**

Agreed.

**CHAIRMAN (Mr. Steen):**

Thank you. Clause 9. Agreed?

**SOME HON. MEMBERS:**

Agreed.

**CHAIRMAN (Mr. Steen):**

Thank you. I hope somebody is keeping track of where you want to introduce your motions. Clause 10. Mr. Arlooktoo.

**HON. GOO ARLOOKTOO:**

Thank you, Mr. Chairman. Mr. Chairman, I have a motion to amend Clause 10 of the bill to introduce a number of changes respecting the Judicial Council. The first change will be to paragraph 31(1)(e) and

subsection 31(4) regarding appointments of lay persons to the Judicial Council. The bill was amended in standing committee to clarify that lay persons appointed to the Judicial Appointments Advisory Committee may not be members or former members of any law society in Canada, not merely the Law Society of the NWT. The proposed amendment would clarify the same effect that lay persons appointed to the Judicial Council may not be members or former members of any law society in Canada.

The second change would be the addition of a clause which would introduce the principle that diversity of the population and gender balance will be a consideration of the Law Society and the Commissioner in the Executive Council in appointing members to the Judicial Council.

The third change concerns compensation for legal costs of a complainant in manners before the Judicial Council and would empower the Judicial Council to recommend compensation in

Page 1456

certain cases.

Committee Motion 38-13(5): To Amend Clause 10 of Bill 7

Therefore, Mr. Chairman, I move, that clause 10 of Bill 7 be amended by:

(a) deleting proposed paragraph 31(1)(e) and by substituting the following:

(e) two persons appointed by the Commissioner in Executive Council who are neither judges nor members or former members of a law society in Canada.

(b) striking out, nor a member of the Law Society of the Northwest Territories in proposed subsection 31(4) and by substituting, nor a member or a former member of a law society in Canada;

(c) adding the following after proposed subsection 31(4):

(4.1) the Law Society of the Northwest Territories, in appointing persons under paragraph (1)(d) and subsection (3), and the Commissioner in Executive Council, in appointing persons under paragraph (1)(e) and subsection (4), shall consider the diversity of the population and the gender balance of the territories, but any failure to achieve balance in the composition

of the Judicial Council does not affect the validity of any proceedings or decisions of the Judicial Council.

(d) adding the following after proposed section 31.6:

31.61(1) The Judicial Council may, subject to subsection (2), recommend to the Minister that compensation be paid to a complainant for all or part of his or her costs for legal services related to the complaint.

(2) The Judicial Council may only recommend that compensation be paid to a complainant under subsection (1) where

(a) the complaint is before the Judicial Council; and

(b) the Judicial Council determines that the costs for legal services were necessarily incurred due to the nature and the circumstances of the complaint.

(3) Where the Judicial Council recommends compensation under this section, the Judicial Council shall, subject to the regulations, recommend the amount of such compensation.

That is my motion, Mr. Chairman.

**CHAIRMAN (Mr. Steen):**

Thank you, Mr. Arlooktoo. Your motion is in order. To the motion. Question has been called. All those in favour? All those opposed? Your motion is carried. I recognize a quorum and the motion is carried. All those opposed? Clause 10, as amended.

**SOME HON. MEMBERS:**

Agreed.

**CHAIRMAN (Mr. Steen):**

Thank you. Clause 11 is on page 17. Clause 11. Mr. Minister.

**HON. GOO ARLOOKTOO:**

Thank you, Mr. Chairman. Mr. Chairman, I have another motion to amend clause 11 of the bill. The last one. The amendment would amend clause 32(1)(c.1) of the Act, provide for regulations respecting the amount of compensation that could be recommended by the Judicial Council, respecting the legal costs of a complainant. The bill provides for regulations respecting the legal costs of a judge and

the amendment would extend this to the legal costs of a complainant.

Committee Motion 39-13(5): To Amend Clause 11 of Bill 7

Therefore, I move, that clause 11 of Bill 7 be amended by deleting proposed paragraph 32(1)(c.1) and by substituting the following:

(c.1) respecting or limiting the amount of compensation for the cost of legal services that may be indicated under subsection 31.61(3) or 31.7(4);

That is my motion.

**CHAIRMAN (Mr. Steen):**

Thank you, Mr. Arlooktoo. Your motion is in order. To the motion. Question has been called. All those in favour? All those opposed? Your motion is carried. Clause 11, as amended.

**SOME HON. MEMBERS:**

Agreed.

**CHAIRMAN (Mr. Steen):**

Thank you. Clause 12. Agreed?

**SOME HON. MEMBERS:**

Agreed.

**CHAIRMAN (Mr. Steen):**

Thank you. Bill 7 as a whole. Agreed?

**SOME HON. MEMBERS:**

Agreed.

**CHAIRMAN (Mr. Steen):**

Does the committee agree that Bill 7, as amended, is ready for third reading? Agreed?

**SOME HON. MEMBERS:**

Agreed.

**CHAIRMAN (Mr. Steen):**

Thank you. Bill 7 is ready for third reading and I thank the Minister and his witnesses. Since we do not have anything else on the agenda, I will rise and report progress.

**MR. SPEAKER:**

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

Page 1457

ITEM 20: REPORT OF COMMITTEE OF THE WHOLE

**CHAIRMAN (Mr. Steen):**

Thank you, Mr. Speaker. Mr. Speaker, your committee has been considering Bill 7, An Act to Amend the Territorial Court Act, and would like to report progress with two motions being adopted. Bill 7 is now ready for third reading as amended, and Mr. Speaker, I move that the report of Committee of the Whole be concurred with.

**MR. SPEAKER:**

Thank you. Seconded by Mr. Enuaraq. The motion is in order. To the motion. Question has been called. All those in favour? All those opposed? The motion is carried. The Member for North Slave asked me to recognize someone in the gallery. Her name is Bertha Rabesca. Welcome to the Assembly.

--Applause

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

ITEM 22: ORDERS OF THE DAY

**CLERK OF THE HOUSE (Mr. Hamilton):**

Mr. Speaker, there is a meeting of the Western Caucus immediately after adjournment this evening. There are meetings for tomorrow at 9:00 a.m. of the Standing Committee on Infrastructure and the Standing Committee on Social Programs, at 11:00 a.m. of the Ordinary Members' Caucus and at 12:00 noon of the Standing Committee on Government Operations.

Orders of the day for May 28, 1998:

1. Prayer
2. Ministers' Statements
3. Members' Statements
4. Returns to Oral Questions

5. Recognition of Visitors in the Gallery
6. Oral Questions
7. Written Questions
8. Returns to Written Questions
9. Replies to Opening Address
10. Petitions
11. Reports of Standing and Special Committees
12. Reports of Committees on the Review of Bills
13. Tabling of Documents
14. Notices of Motion
15. Notices of Motions for First Reading of Bills
16. Motions
17. First Reading of Bills
  - Bill 5, An Act to Amend the Financial Administration Act, No. 2
  - Bill 18, Supplementary Appropriation Act, No. 1, 1998-99
18. Second Reading of Bills
19. Consideration in Committee of the Whole of Bills and Other Matters
  - Bill 16, An Act to Amend the Income Tax Act, No. 2
20. Report of Committee of the Whole
21. Third Reading of Bills
  - Bill 7, An Act to Amend the Territorial Court Act
22. Orders of the Day

**MR. SPEAKER:**

Thank you. This House stands adjourned to Thursday, May 28, 1998 at 1:30 p.m.

--ADJOURNMENT